

Response ID ANON-KMUH-DX6Z-1

Submitted to Consultation on preventing charges for DIY waste at household waste recycling centres and call for evidence on booking systems at household waste recycling centres
Submitted on 2022-07-04 10:59:24

Introduction

About you

1 Would you like your response to be confidential?

No

If you answered 'Yes' above, please give your reason.:

2 What is your name?

Your name:

Steve Palfry

3 What is your email address?

This is optional, but if you enter your email address you will be able to return to edit your consultation response on Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation. :

steve.palfry@suffolk.gov.uk

4 Which of the options below best describes you?

Local authority

If you have selected other, please specify:

5 If you are responding on behalf of an organisation, what is its name?

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Association of Directors of Environment, Economy, Planning and Transport (ADEPT)

Proposal

6 Do you agree or disagree with these technical principles when the Government amends the 2012 regulations?

Disagree

If you answered 'Disagree' above, please give your reason. :

ADEPT is very keen to work with Government in the fight to further tackle the root causes of fly-tipping and waste crime, and to help make sure that the next steps in the fight to reduce fly-tipping are established based on facts, deliverability, effectiveness and affordability; such as establishing greater penalties for prosecution for the illegal dumping of waste, and a greater emphasis on national campaigns about the duty of care. As such ADEPT would be enthusiastic to help Government and others, such as the Sentencing Council, in the development and delivery of any new pilots, projects or initiatives. However, in relation to the proposals to reduce fly-tipping as outlined within this consultation, ADEPT vehemently disagrees with the reasoning behind the proposed changes, on the basis of several fundamental themes outlined below, which lead us and may others to conclude that Government needs to seriously reconsider its stated intentions, despite those being set out with good intent: 1) Not justified by the established facts. In June 2021 national waste charity Wrap published a definitive study on 'The Relationship Between Fly-tipping Rates and HWRC Charging' commissioned to specifically explore the frequently raised concern that the introduction of a charge for construction and demolition waste could result in an increase of people illegally dumping (fly-tipping) their waste. Very importantly, and very helpfully for Government, this detailed and evidence-based research by Wrap was very clear in finding 'no evidence of an association between fly-tipping and charging at HWRCs'. This finding seriously undermines the premise of the proposed changes in a crucial way, meaning it is advisable for Government to reconsider its approach, so that it refines and develops legislation and regulations and funding for local authorities based on facts and not opinions. For example, Councils that have introduced charges for construction and demolition waste have not seen the significant increases to fly-tipping that many claimed would result. Furthermore, across the country it is the case that the overwhelming majority of fly-tip incidents relate to household waste items that have to be accepted for free at HWRCs, with construction and demolition waste being only a small fraction of the overall amount of incidents. In fact, on the contrary and as established by the National Audit Office and 'Investigation into government's actions to combat waste crime in England', published in April 2022, the number of reported incidents of fly-tipping have broadly increased since 2013/13, as the 'large increase in landfill tax rates has increased the potential financial return to criminals'. 2) Would lead to a multi-million pound increase in costs to local authorities. There is no rational explanation for why local authorities would not receive additional funding for a proposed change in law which would undoubtedly increase their costs. Many local authorities expect that the proposed changes would increase the cost of providing their HWRC services by over £0.5m a year and some by over £1m a year – due to the increased volumes of construction and demolition waste that would come in to HWRCs, and varied in scale of impact due to the size of population served by a local authority and by the difference in existing policies in place now. And regardless of the precise figure per authority, any such outcome that increases local authority costs as consequence of a change in law and is unfunded, seems to be at total odds with the intentions of the new burdens doctrine which is to ensure council taxpayers do not

face excessive increases to their costs. In terms of costs it should be noted that these effects are only partly due to the loss of income that offsets costs, as a very large effect of charges for construction and demolition waste is that they reduce demand, and increase use of other options provided by local waste management and skip hire companies (many of which are local SMEs) by householders, and in the absence of current controls by charging, it is reasonably expected that service volumes would increase well above current levels. These effects of lost income and increased service volume would of course be further compounded by the additional costs of authorities bringing in systems, procedures and resources to oversee the usage of a 300L a week allowance in the wider interest of taxpayers. 3) Inconsistent with polluter pays principle and unfair and unsuitable for most taxpayers. It is questionable why many taxpayers (including those which do not and cannot generate construction and demolition waste due to the nature of their living arrangements, or those who do not have the available finances or skills to undertake works that generate construction and demolition waste) should have to meet the costs of those few undertaking home improvements. It is also questionable whether the proposed approach would be that convenient for many undertaking such work anyway, on the basis that many DIY projects are completed in a short timeframe and not spread out evenly over a year generating a given volume each week. From a householder perspective, having a convenient, reliable, legitimate and competitive, local paid for option for their construction and demolition waste at a HWRC may be far more practical anyway. And for some householders it may be a viable alternative to a skip, collection or another delivery option, where these options may not be feasible for whatever reason, eg available space, or the longer lead in times they may require. 4) Impossible to implement and administer. a) It would be impossible for staff at a HWRC to establish with certainty whether construction and demolition waste was produced by a householder carrying out their own work, or by a commercial contractor charging for the work. This issue means the proposals would increase the likelihood of taxpayers paying for the disposal of commercial waste, meaning that an unintended consequence of the proposals could be that they actually incentivize waste crime. Furthermore, complexities around this approach would be compounded when a contractor could discount the costs of their work by removing disposal costs and thereby not fulfilling duty of care obligations, or where a householder undertakes preparatory or completion works. Where any system was required to endeavour to try and address this issue it would undoubtedly increase cost, tensions on site and cause delays to all customers. b) The proposal is presented in terms of 'householder' and importantly not 'household' entitlement, which would create an imbalance in entitlement based on the size of a household. c) Weekly visit limits would be difficult to enforce. Many local authorities provide a network of sites in their area, meaning that even with ANPR, unless there is a booking system based on householder details and not vehicle details, it would be impossible to spot multiple use of the same concession across a number of sites on the same day or in the same week. Furthermore, where repeat use was challenged, based on unfortunate and unacceptable experiences from local authorities and their contractors across the country, this would inevitably on occasions lead to threats and abuse to staff on sites. d) A fully laden family car may be unsafe if it used the proposed 300L weekly entitlement for free disposal of construction and demolition waste. This leads to serious concerns about the safety of the proposed concession and as well as its inequity. Where there have been such concessions by local authorities, they have often been far smaller and limited, for example an 80L or black bag equivalent, or restricted to one item such as a bath or door, per week. 5) Incomplete in scope and lacking in detail and clarity. As there is no legal definition of 'DIY waste' the proposed scope in the consultation for the proposed changes creates other difficulties for councils and householders due to the narrowness of the scope and lack of detail. For example: a) In appendix A no timber items are included, such as decking, fence panels, floorboards, joists and sheds and it is unclear whether this is intentional or an oversight. b) Appendix A includes roofing felt, carpet and linoleum, some of which may present a hazard if contaminated with asbestos, highlighting the absence of any appropriate caveats to the proposed list. c) In addition the proposal defines DIY activities to include 'decorating' and appendix A lists no materials within this scope, and as such it is unclear whether this means the proposals would require a weekly acceptance of paint and any hazardous chemicals relating to decoration, which again would add significant cost to local authorities. Taken at its extreme, a householder could use the proposals as currently outlined to justify acceptance of 300L of paint in one visit for example, and then another member of the same household could do likewise. These issues arise due to the proposed classification of waste by an associated activity and not by the waste type, which means it is inherent in such an approach that lack of clarity and understanding will occur, which is not in the combined interest of Government, taxpayers, local authorities and the communities they serve. 6) Not compatible with best use of established HWRC infrastructure in line with Government's Resources and Waste Strategy intentions. Government, quite rightly, has ambitious plans for the management of resources and waste and is mindful of the increasing importance of the role of carbon considerations in service design and delivery by local authorities. If the proposals in relation to DIY waste were to become a requirement it is inevitable that: a) Many recycling centres across the country would close and, or, opening hours at many sites would be reduced. This is because local authorities would see an increase in their costs for providing a service for which there was no income, thereby meaning many would have to make service reductions to deliver savings to balance budgets, due to a combination of the loss of base budget from charges, compounded by the further additional costs of increased usage of HWRC services for construction and demolition waste. b) Complimentary services for recycling other materials and the provision of reuse facilities would be compromised. This is because recycling centre services would see an increase in construction and demolition waste on existing sites, which would affect the available space for other materials. c) Allowing increased free disposal of waste appears entirely at odds with a Government intention to reduce waste. d) Such concessions would incentivize multiple visits to HWRCs and customer satisfaction levels would be affected. Whilst based on Government proposals some householders would perceive a free tip of limited construction and demolition waste as a benefit, those many other customers using the HWRCs for other materials and reuse shops would not, on the basis they would have to endure longer waiting times and queues. e) Charging policies are used by local authorities to provide a managed service and help ensure it is safe and easy to use for customers, and to help prevent taxpayers from subsidising the cost of dealing with business waste. 7) Elected Members of local authorities are best placed to develop service policies based on the particular circumstances of an area and the priorities of their local communities, which brings in to question the merits of the approach being proposed which disregards this in preference of a 'one size fits all'.

7 Given the Government's stated policy, do you agree or disagree with these tests on whether construction waste should be treated as DIY waste and classified as household waste, and should not be charged for when disposed of at a HWRC, when:

. - The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home:
Disagree – this should be excluded

. - The waste does not arise from activities that generate an income for the person who carried them out:
Disagree – this should be excluded

. - The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week:
Disagree – this should be excluded

. - The volume of waste is no greater than 300L (based on the approximate boot size of a family car):
Disagree – this should be excluded

8 If you have disagreed with the inclusion of any of the above criteria, please state why, indicating which part of the criteria you are referring to in your response.

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Based on the facts, the vast experience of local authorities across the country, and mindful of the wider Government agenda to improve the national approach to resources and waste and drive carbon impacts down, unfortunately ADEPT has to disagree with each of the tests to Government's stated policy, on the basis that existing legislation is abundantly clear and delivers more favourable outcomes. Taken individually, and for utmost clarity of why Government should not progress with the proposals to further fight fly-tipping as currently outlined:

1) Householders carrying out small scale works at their home, and Waste not from income generating source.

a) It would be impossible for staff at a HWRC to establish with certainty whether construction and demolition waste was produced by a householder carrying out their own work, or by a commercial contractor charging for the work. This issue means the proposals would increase the likelihood of taxpayers paying for the disposal of commercial waste. Furthermore, complexities around this approach would be compounded where a householder undertakes preparatory or completion works. Where any system was required to endeavour to try and address this issue it would undoubtedly increase cost, tensions on site and cause delays to customers with construction and demolition waste and other customers.

b) This approach is inconsistent with the polluter pays principle, and is unfair and unsuitable for most taxpayers. It is questionable why many taxpayers should have to meet the costs of those few undertaking home improvements.

c) The proposal is presented in terms of 'householder' and importantly not 'household' entitlement, which would create an imbalance in entitlement based on the size of a household.

d) The principle of waste not coming from an income generating source may not be consistent with the intent, as this loosely defined approach would not address waste from a contractor's operations that was left with a householder in lieu of a foregone charge for that waste and at odds with a duty of care.

e) Using 'small scale' as a measure for eligibility is inadvisable, not just because it would be impossible for staff at a HWRC to establish whether the waste related to 'small scale works' or not, but also due to its vagueness as a term and its ability to be interpreted in different ways, or require further locally applied clarity to avoid confusion and conflict.

f) Terms used by Government in this consultation are inconsistently worded with the intent stated in the Resources and Waste Strategy document 'Our Waste, Our Resources: A Strategy for England', published in December 2018 in two main areas. Firstly, the Strategy, in relation to the intent to make sure that charging arrangements were clear in the Controlled Waste Regulations, made reference to 'ordinary householders with no specialist skills', and yet this caveat of 'no specialist skills' is not referenced in this consultation. And secondly, and more importantly, the Strategy stated Government's intent to revisit the charging arrangements 'especially in relation to waste arising from small scale DIY construction', and by no normal measure could a 300L a week allowance be considered to relate to waste arising from small scale DIY construction.

2) Waste not produced regularly and requiring visits more than weekly.

a) It is questionable whether the proposed approach would be that convenient for many undertaking such work anyway, on the basis that many DIY projects are completed in a short timeframe and not spread out evenly over a year generating a given volume each week. From a householder perspective, having a convenient, reliable, legitimate and competitive local paid for option for their construction and demolitions waste at a HWRC may be far more practical anyway. And for some householders it may be a viable alternative to a skip, collection or another delivery option, where these options may not be feasible for whatever reason, eg available space, or the longer lead in times they may require.

b) It would be almost impossible beyond reason to establish whether waste is produced regularly, as the waste producing activities could occur at any given time in private households and before a visit to an HWRC. What could be established to some extent of certainty, and at great cost and complexity, would be frequency of visits.

c) Weekly visit limits would be difficult to enforce. Many local authorities provide a network of sites in their area, meaning that even with ANPR, unless there is a booking system based on householder details and not vehicle details, it would be impossible to spot multiple use of the same concession across a number of sites on the same day or in the same week. Furthermore, where repeat use was challenged, based on unfortunate and unacceptable experiences from local authorities and their contractors across the country, this would inevitably on occasion lead to threats, abuse and violence towards staff on sites.

3) Volume no more than 300L.

a) Such concessions would incentivize multiple visits to HWRCs and customer satisfaction levels would be affected. Whilst based on Government proposals some householders would perceive a free tip of limited construction and demolition waste as a benefit, those many other customers using the HWRCs for other materials and reuse shops would not, on the basis they would have to endure longer waiting times and queues. This issue would be compounded on those smaller and older HWRCs where sites have to close for bin movements to ensure the safety of customers.

b) A fully laden family car may be unsafe if it used the proposed 300L weekly entitlement for free disposal of construction and demolition waste. This leads to serious concerns about the safety of the proposed concession and its inequity. Where there have been such concessions by local authorities they have often been far smaller and limited, for example an 80L or black bag equivalent, or restricted to one item such as a bath or door, per week.

c) A calibration to the proposal 'of no greater than 300L (based on the approximate boot size of a family car)' is ineffective and to all intents and purposes unenforceable with any accuracy unless the waste is presented only in the boot of a perfectly averagely proportioned small family car.

d) If a limit is proposed as 300L a week, then some householders may seek to spread that entitlement over multiple visits in a week. This is a reasonable expectation as 300L is such a large volume which many householders may not be willing to, or able to, move in one visit due to health and safety considerations and other practical considerations too.

e) A 300L a week concession is out of proportion with the total amount of waste the average UK households generates and pays for through Council Tax, which is around 1 tonne of waste per year. For comparison a 300L load of construction and demolition waste could easily weigh 500kg, so if such a weekly limit was implemented it could allow legitimate free disposal of over 25 tonnes of DIY waste a year by a householder.

f) A 300L a week concession is inconsistent with Government stated intent in the Resources and Waste Strategy document 'Our Waste, Our Resources: A Strategy for England', published in December 2018. Which stated Government's intent to revisit the charging arrangements 'especially in relation to waste arising from small scale DIY construction', and by no normal measure could a 300L a week allowance be considered to relate to waste arising from small scale DIY construction.

9 Do you have any other views on the technical circumstances in which construction waste should be considered DIY waste and classified as household waste?

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The Controlled Waste (England and Wales) Regulations 2012 are abundantly clear and well founded in their classification of construction and demolition waste, and allow for local authorities to provide a convenient and local service for such materials from householders and to decide to charge for that service if they want to or need to, either on financial or operational grounds.

On that basis, and considering the established facts by Wrap in its definitive study on 'The Relationship Between Fly-tipping Rates and HWRC Charging', which was very clear in finding 'no evidence of an association between fly-tipping and charging at HWRCs', it is thoroughly inadvisable for Government to consider classifying construction and demolition waste as household waste, which by extension could also lead to issues and financial impacts for Waste Collection Authorities if such a change was made in an ill-considered manner.

Furthermore, and as established by the National Audit Office's 'Investigation into government's actions to combat waste crime in England', published in April 2022, it is the case that the number of reported incidents of fly-tipping have broadly increased since 2012/13, as the 'large increase in landfill tax rates has increased the potential financial return to criminals', and consequently and very importantly, such a change as is being proposed by Government would not be expected to address the root cause of fly-tipping of construction and demolition waste, or indeed any other type of waste.

Call for evidence on booking systems at HWRCs

10 Would you like to complete the call for evidence?

Yes

Call for evidence on booking systems at HWRCs

11 Do you currently have a HWRC booking system in place?

Yes

12 What type of booking system do you operate?

Other (please specify)

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Q11 response:

Many of ADEPT's members do have a booking system in place, eg Kent and Suffolk County Councils. This part of the consultation is informed by the experiences of those local authorities that do have such a system in place, with the exception of the response to Q13 which is from a perspective of those local authorities that don't, for example Norfolk County Council.

However, for a fuller understanding it should be appreciated that some of ADEPT's members only had temporary and, or, partial booking systems in place as a response to the early part of the Covid-19 pandemic. Some partial booking systems have been retained by local authorities where they have offered continued and focussed benefits, and some local authorities that only used a temporary booking system in place as a part of their response to providing safe services during the Covid-19 pandemic, would like to have the ability to use that option in the future, where the need was justified by whatever reason as part of providing a managed and safe service.

Q12 response:

ADEPT's members have a range of approaches for booking systems driven by local considerations and priorities, and commonly, for example as in Kent and Suffolk County Councils, they allow residents to book a specific slot including on the day and in advance. and with no limitations such as residents being required to use sites at certain times based on address, number plate etc.

13 Please outline the key reasons why you have a booking system in place.

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ADEPT's members have a range of key reasons for having a booking system in place and consistently those include these key points below:

1. Increased recycling rates and reduced contamination – a steady and managed throughput of visits allows staff more time to interact with and help customers, which increases reuse and recycling rates and helps reduce contamination.
2. Reduced costs – all local authorities with a booking system cite a reduction in costs, as the demand at the sites is better managed.
3. Road safety due to less queuing – a managed service means the full daily operating hours are better utilised and reduces traffic queueing at the busiest HWRCs, thereby also benefiting neighbouring business and communities. The road safety for customers and other road users is improved, engine idling is reduced thereby improving air quality management and local journey times.
4. Fewer disruptions for customers – site maintenance at HWRCs with a booking system in place can now be programmed in advance and delivered within blocked out slots, so that customer visits are not affected by service disruption or additional health and safety requirements.
5. An improved working environment for staff on HWRCs – a booking system smooths out peaks, reduces tensions relating to queuing, and makes it easier for site operators to utilise and plan their resources more efficiently in advance and in relation to known customer demand.
6. Fewer car journeys to HWRCs, but with more waste - data shows that the average load of waste taken to HWRCs per vehicle increases after booking system are introduced. Customers also avoid wasted car journeys or long waits in queued traffic due to the managed access to the HWRCs.

7. Improved communication and interaction with customers – customer satisfaction surveys are easier to deliver when linked to a booking system, which also allow direct communication with customers about any service issues or emergency closures that may affect or prevent their visit. The improved communication with customers also allows promotion of other initiatives to reduce, re-use and recycle waste, such as promoting local charities that will take particular items.

8. Ability for local authority sharing of costs - booking systems allow local authorities to share costs for facilities thereby allowing for more efficient delivery of services across local authority boundaries.

9. Improved service refinement – booking systems allow easier refinement of HWRC services based on facts, for example in relation to use of varying trailer sizes, unloading times, the volume of pedestrian and bicycle access. And for local authorities with a number of HWRCs, booking systems allows better management and utilisation of capacity across the HWRC network and across each day.

10. Many customers, Members, contractors, and site staff like booking systems – which is because they help make the service more user friendly, allow customers to plan their visits at times that suit them and avoid queues. For example, Kent County Council held a public consultation in 2021 on continuing the booking system for its 18 HWRCs, and on the main question of ‘How positive or negative would you feel about using a booking system in the future?’ the results were 38% extremely positive, 11% quite positive, 31% extremely negative, 14% quite negative, 6% neither positive nor negative, 0% don’t know from 10,705 responses. A more recent customer satisfaction survey undertaken by Kent County Council in June 2022 found 95% of respondents found its booking system quite, or very easy, to use, and 95% were also extremely or quite satisfied with their most recent visit to an HWRC. Whilst a survey undertaken by Suffolk County Council in November 2021 showed very high levels of customer satisfaction with Suffolk’s booking system at 90.4%.

11. ADEPT’s members do not see a link between booking systems and the number of fly-tipping incidents - there is no evidence of a connection between significant amounts of fly-tipping because of a need to book an appointment. For example, analysis of fly-tipping data across the eastern region of England, comparing authorities who have introduced booking systems with those without booking systems, showed no detectable effect.

14 Please outline the key reasons why you do not have a booking system in place.

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Some authorities that do not have a booking system in place, such as Norfolk County Council, have charging regimes in place for construction and demolition waste which means that service volumes at HWRCs are managed to the extent a booking system is not required.

Consequently, if Government progressed with its proposal to require provision of a free service to all householders for up to 300L of DIY waste a week, it is likely that those local authorities without a booking system would have to consider implementing a booking system, simply to manage demand and customer expectations of an easy to use, safe, high performing and convenient service.

15 What are your future plans for the booking system?

Retain indefinitely

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Most authorities with a booking system in place plan to retain them indefinitely and keep them under review for continuous refinement as required.

16 Please outline any evidence you have on the impacts of booking systems on recycling levels in your area.

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ADEPT’s members report a positive effect of booking systems on HWRC performance. For example, Kent County Council has established that recycling rates increased from 65% to just under 70%, as there is now a steadier throughput of visits which allows staff on site more time to interact with and help customers, rather than managing traffic queues. For the same reasons Suffolk County Council has been able to maintain its performance levels at around 74% from before and after the introduction of a booking system.

HWRC operators report that through greater customer assistance and interaction, this has also led to reduced contamination and better material segregation.

17 Please outline what other restrictions, if any, you impose on residents bringing waste to your HWRC? For example, limits on size, or on vehicles type can use.

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ADEPT’s members with booking systems have a range of policies in place that relate to usage of their HWRC services which reflect local considerations, priorities and needs.

Consequently, ADEPT expects that a comprehensive list of HWRC policies will be provided by the multitude of local authorities responding individually to this consultation. This underlines the point that it is the elected Members of local authorities that are best placed to develop local service policies, based on the particular circumstances of an area and the priorities of their local communities, which brings in to question the merits of the approach being proposed which disregards this in preference of a ‘one size fits all’.

18 Do you use measures such as ANPR or similar approaches at your HWRCs?

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Many of ADEPT’s members have ANPR at their HWRCs and many see these as complimentary to having a booking system in place, as together they facilitate use of the HWRC network to its fullest potential and with greater efficiency in a managed way, which also allows some degree of automation. And for all local authorities with ANPR, and also for those with CCTV, ANPR allows for inappropriate use of HWRCs or inappropriate behaviours on sites to be addressed as required.

Consultee Feedback on the Online Survey

19 Overall, how satisfied are you with our online consultation tool?

Satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it.:

The first free text box didn't have a scrolling bar, whereas other free text boxes did.

One question did not have a free text box after it, meaning a response to the question was provided in the next free text box.