



**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND SCRUTINY
COMMITTEE - 11 MARCH 2024**

**REVISED APPROACH FOR CHARGING FOR CONSTRUCTION AND
DEMOLITION WASTE AT HOUSEHOLD WASTE RECYCLING CENTRES**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of Report

1. The purpose of this report is to inform the Committee of the revised approach to accepting construction and demolition waste from households at the Council's Recycling and Household Waste Sites following the Government's recent legislative change.

Policy Framework and Previous Decisions

2. Charging for the majority of non-household material types from 1 April 2016 was approved by the Cabinet on 18 November 2015.
3. The Government launched a consultation on Preventing Charges for DIY Waste at Household Waste Recycling Centres (HWRC) on 11 April 2022 and published its response on 18 June 2023. The Council's HWRC are termed locally Recycling and Household Waste Sites but will be referred to as HWRC throughout this report.
4. A report was presented to the Environment and Climate Change Overview and Scrutiny Committee at its meeting on 14 September 2023 to inform the Committee of the Government's response to the consultation and the potential implications for the Council.
5. The Government amended the Controlled Waste (England and Wales) Regulations 2012 and laid them to parliament in November 2023.
6. The updated Controlled Waste (England and Wales) (Amendment) (England) Regulations 2023 came into force on 31 December 2023.

Background

7. As a waste disposal authority, the County Council is required, under Section 51 of the Environmental Protection Act 1990, to provide places for residents to deposit household waste and to dispose of the waste deposited. The Council is also required to arrange for the disposal of waste collected by the waste collection authorities (i.e., district authorities).

8. The Government passed The Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015 on 9 March 2015 and it came into force on 6 April 2015. This order disapplies section 93(1) of the Local Government Act 2003 which enabled local authorities to charge for discretionary services, so this legislation can no longer be used to permit charging for use of 'discretionary' HWRC.
9. The Government also passed The Local Authorities (Prohibition of Charging Residents to Deposit Household Waste) Order 2015 on 26 March 2015 and this came into force on 23 April 2015. This order prohibits local authorities from using their General Power of Competence under section 1 of the Localism Act 2012 to charge their residents to enter into or exit from HWRC or to deposit household waste or recycling at such centres.
10. Both 2015 orders state household waste has the same meaning as in section 75 of the Environmental Protection Act 1990 as read with regulation 3 of, and Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012 (2012 Regulations).
11. The Controlled Waste Regulations (2012) classify 'waste from construction or demolition works, including preparatory works' as industrial waste.
12. The Council is not required under legislation to provide places for residents to dispose of industrial waste. Additionally, on a wider basis, the Council may select which household waste types it accepts at which HWRC.
13. In November 1999, the Council introduced limits for construction and demolition waste of six bags per six months. As well as limits on specified items, for example, doors, fitted units, worktops and others.
14. The Council removed these limits and introduced charges in May 2016 for some types of non-household waste (agreed by the Cabinet on 18 November 2015) including concrete, rubble/hardcore, ceramics (including bathroom suites), glass windows, plasterboard, cement bonded asbestos etc.
15. The Department for Environment, Food and Rural Affairs (DEFRA) published their Resources and Waste Strategy in 2018 which committed to ensuring that charging arrangements in the Controlled Waste Regulations 2012 were clear, especially in relation to waste arising from small scale DIY construction activities carried out by householders with no specialist skills.
16. DEFRA undertook a technical consultation on preventing charges for DIY waste at HWRC for 12 weeks between 11 April and 4 July 2022. The consultation received a total of 2,238 responses (of which the Council was one).
17. DEFRA published their response to the consultation on 18 June 2023.
18. The Government amended the Controlled Waste (England and Wales) Regulations 2012 and laid them to parliament in November 2023. The updated Controlled Waste (England and Wales) (Amendment) (England) Regulations 2023 came into force on 31 December 2023. In these regulations the specific term 'DIY' was not used.

19. The volume of construction and demolition waste that can be deposited free of charge by a household (that has undertaken the work themselves) at the HWRC is now restricted to two 50 litre rubble bags or one large item. A large item is defined as no larger than 2,000mm by 750mm by 700mm, the approximate size of a bathtub or shower screen per visit. A household is limited to four visits over a four-week period. Charges can be applied for construction and demolition waste that exceeds these limits that is brought in to the HWRC.

Changes now in effect locally from 1 January 2024

20. Each household is allowed one visit per week to deposit construction and demolition waste up to their free allowance from work they have undertaken, on a rolling seven days across all HWRC. In alignment with the limits stated in paragraph 19 above, for materials that the Council previously charged for.
21. The previous charging rates for material in excess of this free allowance remain as before, for example, £3 per bag of rubble, tiles, ceramics, plasterboard, bricks, sheet glass etc. and £10 per sheet of asbestos. The Waste Management service has budgeted to receive £30,000 of income in 2024/25, down from £150,000 in 2023/24.
22. The Council's website has been updated to reflect the revised policy and the asbestos permit process has also been adjusted to reflect the inclusion of the free allowance detailed in paragraph 19 above. The revised policy allows cement bonded asbestos to be accepted at Coalville, Kibworth, Mountsorrel and Whetstone HWRC with an asbestos waste permit. A charge of £10 per sheet (240cm x 120cm) or 3 metre length of guttering/pipe, or £10 per bag (equivalent to tub size) is levied over the free allowance. There is a reference bucket at accepting sites to determine the size of a tub.
23. The service is continuing to accept for free construction and demolition waste not previously charged for, including but not limited to, timber fence panels, kitchen or other fitted units, chipboard work tops, insulation, roofing felt, metal radiators, window frames, plastic pipes/guttering etc.
24. Charges at HWRC are levied in accordance with the previously approved non-household waste policy. If the range of materials the Council charges for were to be expanded, a full public consultation would be required followed by Cabinet approval.
25. A large increase in bricks and rubble etc. has yet to be seen coming onto the sites. However, tonnages of these types of materials are usually low in the winter and the full impact is unlikely to be understood until after the summer period.
26. The free allowance in construction and demolition waste is likely to result in higher tonnages, reduced income and increased haulage costs. The Council will be required to absorb any additional costs as the Government has been clear there is no additional funding available under the New Burdens Doctrine for this.

Forecast Impact

27. A growth bid has been submitted as part of the Medium Term Financial Strategy (MTFS) 2024-28 based on the Council trying to monitor and manage service demand. The forecast growth required is shown in the table below.

MTFS Growth (£,000)	2024/25	2025/26	2026/27	2027/28
Construction and Demolition Waste	380	510	615	615

28. The growth bid assumes tonnage will rise as follows:

- a) to 50% of 2015/16 levels in 2024/25,
- b) to 75% of 2015/16 levels in 2025/26, and
- c) to 100% of 2015/16 levels in 2026/27.

29. 2015/16 is used as the baseline year as it was the year immediately prior to charges being introduced in May 2016; this represents the potential level of tonnages that could reasonably be expected, now there is a free allowance for non-household waste that the Council charged for prior to 1 January 2024.

30. The limit is per household but a resident with access to two vehicles or two sites could attempt to bring more than their free allowance. As before the free allowance, site staff will continue to manage and monitor the frequency of visits, undertaking visual assessments whilst in the presence of CCTV and using body worn cameras. There is always a risk of non-compliance when there is only monitoring on site. Also, it is assumed there will be no increase in construction and demolition waste types that are currently accepted for free, as detailed in paragraph 23.

Next Steps

31. The impact on tonnages will be monitored. As more of these types of wastes are received in the summer, it is not yet possible to gauge the impact until autumn 2024. Once the impacts are better understood, the Council will be able to consider whether additional measures are required, for example, using the existing permit scheme or considering whether other types of waste should be brought into the limit and excesses charged for. Such wastes include, wooden doors, fence panels, insulation, roofing felt etc.

Resource Implications

32. The report sets out the potential forecast impacts in respect to the free allowance for small volumes of construction and demolition waste and continuing to charge for excess waste above the free allowance, that was historically charged for.

33. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Conclusions

34. Members are asked to note the revised approach to accepting construction and demolition waste from households at the Council's Recycling and Household Waste sites following the Government's recent legislative change.

Background Papers

Report to Cabinet, 18 November 2015, Recycling and Household Waste Sites in Leicestershire – Proposed Changes and Third Sector Recycling Credits
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&MIId=4232&Ver=4> (item 355)

Report to Environment and Climate Change Overview and Scrutiny Committee, 14 September 2023, Government response to consultation on preventing charges for DIY waste at household waste recycling centres
<https://democracy.leics.gov.uk/documents/s178461/Government%20Responses%20to%20Removal%20of%20DIY%20Charging%20at%20HWRCs%20E%20Scrutiny%20140923.pdf> (item 23)

The Controlled Waste (England and Wales) (Amendment) (England) Regulations 2023:
<https://www.legislation.gov.uk/uksi/2023/1243/regulation/2/made>

Circulation under the Local Issues Alert Procedure

A copy of this report will be circulated to all members.

Equality Implications

35. There are no equality implications arising from the recommendations in this report.

Human Rights Implications

36. There are no human rights implications arising from the recommendations in this report.

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