



**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**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of this report is to inform the Committee of the recently published Government response to the 2022 Consultation on Preventing Charges for DIY Waste at Household Waste Recycling Centres (HWRCs) and the potential implications for the Council.

Policy Framework and Previous Decisions

2. As a waste disposal authority, the Council is required, under 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).
3. Charging for the majority of non-household material types from 1 April 2016 was agreed by the Cabinet on 18 November 2015.
4. The Council's Strategic Plan 2022-26 outlined the five key outcomes. The 'Clean and Green' outcome outlines the aspirational results the Council seeks for Leicestershire to ensure that the need to protect the environment and tackle climate change is addressed.

Background

5. DIY waste is not currently defined in law. The Controlled Waste Regulations (2012) classify 'waste from construction or demolition works, including preparatory works' as industrial waste.
6. The Council does not have to provide places for residents to dispose of industrial waste.
7. 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 and worktops.

8. 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.
9. Charges are £3 per tub (approx. large bucket size) or item (for example, bath, sheet of plasterboard) and £10 per sheet or bag of asbestos. Charges remain unchanged since their introduction seven years ago.
10. Before the introduction of charging, approximately 18,100 tonnes per annum of these waste types were accepted at the HWRCs. In 2022/23 the tonnage collected of non-household waste at HWRCs was 2,950 tonnes with an income of around £150,000, which was used to contribute towards the costs of providing this service including disposal, card payment costs, haulage and staff.
11. 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 are clear, especially in relation to waste arising from small scale DIY construction activities carried out by householders with no specialist skills.
12. DEFRA undertook a technical consultation on preventing charges for DIY waste at HWRCs for 12 weeks between 11 April and 4 July 2022. The consultation received a total of 2,238 responses (of which the Council were one).
13. In the consultation, DEFRA proposed that construction waste be classified as DIY waste when the following four criteria are met:
 - a) The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home;
 - b) The waste does not arise from activities that generate an income for the person who carried them out;
 - c) The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week;
 - d) The volume of waste is no greater than 300L (based on the approximate boot size of a family car).

Government Consultation Response

14. DEFRA published their response to the consultation on 18 June 2023.
15. DEFRA intends to amend legislation to ensure that householders are not charged for disposal of DIY waste at HWRCs (trade waste is not included).
16. Allowable volume of waste to be deposited for free at HWRCs will be restricted to two 50L 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) per visit. Some flexibility is being given by allowing up to four visits per household over a 4-week period.
17. DIY waste above this limit can continue to be charged for.

18. DEFRA plan to bring the changes into force this year (possibly in the Autumn).
19. Local Authorities will be required to absorb any additional costs as there will not be any New Burdens funding. By way of explanation, the principle enshrined in the New Burdens Doctrine is a requirement that Central Government Departments should not transfer any new burdens to local government without ensuring that appropriate funding is also transferred.
20. The New Burdens Doctrine was modified in 2022 to provide that it was not automatic that funding would be transferred. The New Burdens Doctrine is now only to be applied at the discretion of Ministers.
21. However, in the response to the consultation the Government expressed the view that restricting charges was not in the nature of a “new burden”. The rationale for this view was that it was already contrary to existing guidance for local authorities to charge for the disposal of small scale DIY waste. However, this remains guidance and the Council believes this guidance was issued in late 2018, after the Council had already commenced charging (May 2016). Prior to charging, there were also set limits on acceptance of non-household waste, that were in place from November 1999 to April 2016.

Resource Implications

22. Based on the proposed restrictions on the volumes that householders can deposit free of charge, if the new proposed restrictions are sensibly enforced, the revenue cost impact on the Council could be around £500,000 to £1m per year. This assumes most of the current income budget of £150,000 will be lost.
23. An additional £750,000 of capital costs had also been estimated as being required for vehicles, containers and site upgrades i.e., steps, signage and chutes etc.
24. To meaningfully enforce, control and monitor inputs, our policy approach to managing inputs at the HWRCs such as restrictions on which HWRCs accept these materials or a new permit scheme (or similar), is likely to be needed. At this stage it is still too early to provide a cost estimate for this or options such as a new permit scheme.
25. Without having a clear timetable, or detail of the proposed legislative changes, it is impossible to provide cost estimates with any degree of certainty due to the lack of clarity regarding implementation.

Next Steps

26. A number of policy decisions and strands of work will be progressed over the coming months including:
 - a) Further work to assess possible impacts;
 - b) Consider the detail of legislative change when this is made available;
 - c) Policy decision on a permit scheme to effectively manage the level of monitoring and control;
 - d) Policy decision on whether the Council continues to accept DIY waste at all sites;

- e) Policy decision to determine the Council's approach to charging for items over and above the free allocation such as wood which is not currently charged for; and
- f) Legal advice is required to determine and confirm whether a public consultation is required to introduce a new permit scheme/stop accepting DIY waste at all sites.

Timetable for Decisions

27. It is anticipated that the Government will publish the draft amendments to the Controlled Waste Regulations (2012) later in 2023.

Conclusions

28. Members are asked to note the content of the report.

Background papers

Report to the Cabinet, 18 November 2015, Recycling and Household Waste Sites in Leicestershire – Proposed Changes and Third Sector Recycling Credits
<https://politics.leics.gov.uk/documents/s113485/7%20Outcome%20of%20Consultation%20on%20RHWS.pdf> (item 355).

Circulation under the Local Issues Alert Procedure

None

Equality Implications

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

Human Rights Implications

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

Other Relevant Impact Assessments

31. The report sets out the potential impacts and uncertainty in respect to removal of charging for small volumes of DIY waste.

Appendix

Consultation Outcome Summary of Responses and Government Response:
<https://www.gov.uk/government/consultations/household-waste-recycling-centres-diy-waste-disposal-charges-and-booking-systems/outcome/summary-of-responses-and-government-response>

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