

Decision Report – Lead Member and Officer
Decision

Forward Plan Reference: FP/23/11/14

Decision Date – 22/12/23

Key Decision – yes

Confidential Information – no



Controls for the Householder Deposit of Construction and Demolition Waste at Recycling Sites

Executive Member(s): Lead Member for Environment and Climate Change

Local Member(s) and Division: Multiple

Lead Officer: Mike Cowdell

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Controls for the Householder Deposit of Construction and Demolition Waste at Recycling Sites

1. The Controlled Waste Regulations 2012 were amended in late November 2023, removing the authority's ability to set its own charging regime for the householder deposit of Construction and Demolition (C&D) Waste at Recycling Sites. Somerset Council, which previously charged for the disposal of Asbestos and Plasterboard, and also permitted its on site contractor (Biffa) to charge for Hardcore, must now relax its charging regime to comply with the amended regulations.

Anticipating significant financial pressure due to this enforced relaxation, the Council proposes additional controls. The controls employed are similar in scope and scale to other local authorities who, in similar position to Somerset Council, will receive no “New Burdens” funding because of the legislative amendment. To limit householder deposits of C&D Waste at Recycling Sites, the Council seeks to implement a requirement for advance booking of visits for Hardcore. Under this proposal, householders would need to notify the Council of their intent to deposit all C&D Waste through a webform or telephony via Somerset Council Customer Services.

While the full impact of the regulatory change remains unknown, the proposal aims to induce a change in customer behaviour, ensuring the recording of visits and assessing the impact of legislative amendments. The Council plans to review these arrangements following the initial implementation stage, seeking more

robust and reliable solutions than that currently proposed and may be in conjunction with any future permit or booking scheme.

2. The amendment to the legislation stipulates that a householder may deposit C&D waste at Recycling Sites based on the following criteria
 - That the material arises from a Householders property and has not arisen as a consequence of professional works (restriction to DIY)
 - That the amount of waste delivered to site in a single visit does not exceed either:
 - Less than 100l of waste and capable of fitting in two sacks
 - A single piece not to exceed 2000mm x 750mm x 700 mm

And;

- The waste delivered to site does not exceed four single visits per household in any four week period

Exceeding these limits will result in charges, as Somerset Council intends to continue charging householders for waste exceeding the regulated limits at our existing rate. The Council plans to be more flexible by dispensing with the 2 bags per visit rule but limiting total deposits to 8 bags per calendar month. Householders can pay for disposal if they exceed capacity limitations via the Council website.

To streamline the process, Somerset Council proposes the use of My Waste Services for pre-notification. Customers can notify the authority through a web form meeting full accessibility standards or through Somerset Council Contact centre, providing details such as their address, vehicle registration, quantity and type of waste, and the Recycling Site they intend to use. Recycling Site staff will verify pre-notifications, and any surplus material that has been prepaid at existing rates. Automatic Number Plate Recognition will identify potential abuses, and corrective action will be taken by the authority.

While there is an existing requirement to pre-book and pay for asbestos and plasterboard deposits, the introduction of the Pre-Notification Scheme will be communicated through local press, the website, and social media. An educational approach will be adopted during the early phases post-implementation.

It is likely that the aforementioned controls and processes will be superseded as the impacts of the amended regulation are better understood. The pre-notification system is essential to understand these impacts and consequences of these changes.

Recommendations

3. Lead Member for Environment and Climate Change, in consultation with Executive Director Climate and Place agrees
 - a. Implementation of the Pre-Notification Scheme through My Waste Services and Somerset Council Customer Contact Centre
 - b. To review the Scheme in line with any potential Permit or booking scheme at Recycling Sites as and when appropriate.

Note – the Leader of the Council and Lead Member for Governance and Communications & the Chair, Scrutiny Committee - Climate and Place, has agreed the use of special urgency to consider the above recommendations and the use of urgency to enable the immediate implementation of the decision.

Reasons for recommendations

4. The amendment to the Regulations represents a significant forecast financial pressure to the Authority (£611K). The proposal seeks to mitigate the financial pressure to the authority as far as possible by ensuring that controls are in place and ensuring that a monitoring framework is in place to adequately capture costs and provide essential data to refine the proposal in future. New Burdens funding is not available for the legislative amendments.
5. There are no confidential appendices attached to this report.
6. Urgency is essential given the six-week implementation timescale associated with the amended legislation. The details of these amendments were not published in advance, making it imperative to swiftly adopt the stipulated controls. This is necessary to ensure the timely capture of the amendments' impact and to prompt a change in customer behaviour before the implementation of potential enforcement of further controls as the impact is understood.

Other options considered

7. Given the short timescales around the implementation of the Regulations it has proven impossible to provide a more rigorous booking system that aligns directly to the legislation. The proposal submitted represents a compromise solution designed to monitor usage to the recycling sites, provide a framework for charging above and beyond the legal limits.

Somerset Council estimates that the current cost of the charging suite for Householder-derived C&D waste amounts to a financial pressure of £611K per year. It is in the best interests of the authority to establish and maintain controls, conduct regular reviews, and take identification and enforcement actions against instances of public abuse of the regulations. Somerset Council, through Consultation, have lobbied against the implementation of the Legislation as it is counter to the Producer Pays principal moving the cost of disposal/treatment away from the producer to the local taxpayer.

Links to Council Plan and Medium-Term Financial Plan

8. The amendments to the Regulations represent an annual revenue risk to the Council of £611K. This has been highlighted in the MTFP as a future unbudgeted pressure.
9. The proposal seeks to support the MTFP by placing lawful controls on the deposit of C&D Waste to mitigate the unbudgeted pressure. The proposal as outlined, is similar to neighbouring authorities who are also adopting a pre-notification scheme and charging for items above the limitations stipulated within the Legislation.

Financial and Risk Implications

10. The proposal does not carry any capital or revenue implication and utilises existing systems.
11. The proposal does represent a change to how customers access the Asbestos and Plasterboard disposal services and the same routes will continue to apply. Customers depositing hardcore will have to pre-notify indicating their intent to deposit this material. This can be done in advance of the deposit and whilst on site through mobile internet. Biffa will adopt a Soft Launch and Education approach during the early months of implementation and the adoption of the

scheme will be complimented by a communications campaign through the local media, social media and Authority Websites.

The implications of the amendment to the regulations is a reduction in controls from current we do not expect any further negative impacts for the customer.

Customer Dis-Satisfaction by pre-notifying Hardcore					
Likelihood	4	Impact	1	Risk Score	4
Customers can register online at any time through an accessible form. Soft & Education at Recycling Sites in Early months Communications and Social Media Messaging point customers to access routes					

Legal Implications

12. There are no legal implications.

HR Implications

14. There are no HR Implications

Other Implications:

Equalities Implications

15. Please see below equalities form.

Community Safety Implications

16. There are no community safety implications. Hardcore, and Asbestos make up around 10% of total reported fly-tips within Somerset. It is likely that this relaxation will reduce the proportion of reported fly-tips within Somerset for this type of material. Reported fly-tipping levels are comparable to other south-west Authorities.

Climate Change and Sustainability Implications

18. The proposal ensures compliance with the regulations and is scoped to ensure that limitations are placed on householders in line the Regulations to ensure that the waste hierarchy is maintained. Somerset Council has responded negatively to the consultation and implementation of the legislation on the basis that it is counter to the producer pays principal that the authority supports.
20. We do not expect any adverse environmental impact as a consequence of the adoption of this proposal, other than the additional volume of material that this amendment of legislation will inevitably produce.

Health and Safety Implications

21. There are no Health and Safety implications attached to the proposal

Health and Wellbeing Implications

22. There are no health and Wellbeing implications attached to the proposal.

Social Value

23. There are no social value implications.

Scrutiny comments / recommendations:

24. This decision has not been considered at a Scrutiny Committee.

Background

25. Please see Sections 1 and 2

Background Papers

26. There are no background papers.

Appendices



- Member information Sheet Charges for DIY Waste

Assurance checklist

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	20/12/23
Communications	Peter Elliott	20/12/23
Finance & Procurement	Nicola Hix	20/12/23
Workforce	Alyn Jones	20/12/23
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Mickey Green	19/12/23
Strategy & Performance	Alyn Jones	20/12/23
Executive Lead Member	Cllr Dixie Darch	18/12/23
Consulted:	Councillor Name	
Local Division Members	All – Through Member Briefings	
Opposition Spokesperson	Cllr David Fothergill	18/12/23
Scrutiny Chair	Cllr Martin Dimery	18/12/23

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)						
Version	1		Date Completed	14/12/23		
Description of what is being impact assessed						
<p>Controls for the Householder Deposit of Construction and Demolition Waste at Recycling Sites:</p> <p>Currently, residents have to pay to dispose of these materials through the recycling sites which are managed for the council by Biffa. Deposits of asbestos and plasterboard need to be booked in advance, while hardcore and rubble are paid for on site. Not all sites are able to take asbestos and plasterboard but all 16 take hardcore and rubble.</p> <p>Changes to regulations means that the current charging regime in place at Recycling Sites will be relaxed.</p> <p>The new legislation means that from 1 January residents can dispose of these types of waste – asbestos, plasterboard hardcore/rubble – for free, so long as they have produced the waste through their own DIY.</p> <p>There will be a limit on how much of this construction and demolition type waste can be disposed of each month through our sites.</p>						

- Each household will be able to bring up to eight, 50 litre sacks (or eight 2m sheets of asbestos or plasterboard) to a recycling site each calendar month, free of charge, with a maximum of eight bags per visit. The type of waste in each sack should be kept separate but the eight sack allowance can be made up from a combination of the various waste types. For example e.g. three sacks/sheets of asbestos, two sacks/sheets of plasterboard and three sacks of rubble.
- They will need to pre-book their visit if they wish to take asbestos, plasterboard, hardcore and rubble. From 1 January, an online form will be available on somerset.gov.uk/waste to make bookings. If residents cannot access the online form, they can call Customer Services on: 0300 123 2224.

Residents will need to tell us:

- The amount of material they are disposing (up to 8x50 litre sacks per month)
- The number of times they need to visit (up to four visits per month) to dispose of the allowance.

The council and Biffa will monitor how often residents are visiting and how much of this type of DIY material they are bringing.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Somerset Intelligence Partnership indicates that Somerset Residents have high levels of digital inclusion and that >95% of the population have access. Other avenues for pre-notification include contacting telephony and on exception at Site when depositing waste.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

The general population of Somerset will be affected in that they will need to pre-notify the deposit of this Material at Somerset Recycling Sites.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Navigating an on line pre-notification process may be challenging for some Somerset residents - some form of mitigation would be needed for those less IT able. 	☒	☐	☐
Disability	<ul style="list-style-type: none"> Navigating an on line pre-notification process may be challenging for some Somerset residents - some form of mitigation would be needed for those less IT able. 	☒	☐	☐

Gender reassignment	<ul style="list-style-type: none"> No impacts identified for this protected group 	□	⊠	□
Marriage and civil partnership	<ul style="list-style-type: none"> No impacts identified for this protected group 	□	⊠	□
Pregnancy and maternity	<ul style="list-style-type: none"> No impacts identified for this protected group 	□	⊠	□
Race and ethnicity	<ul style="list-style-type: none"> This group could be impacted because of language barriers and the understanding of the change in procedures 	⊠	□	□
Religion or belief	<ul style="list-style-type: none"> No impacts identified for this protected group 	□	⊠	□
Sex	<ul style="list-style-type: none"> No impacts identified for this protected group 	□	⊠	□

Sexual orientation	<ul style="list-style-type: none"> No impacts identified for this protected group 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> No impacts identified for this protected group 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> No impacts identified for this protected group 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Ensure that Customer Services are able to accept pre-notification	14/12/2023	Kelly Hopwood	Delivery	<input checked="" type="checkbox"/>
Ensure Biffa are able to assist residents who arrive on site without knowledge of the new arrangements	21/12/2023	David Oaten	Delivery	<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

There is a recognition that some protected characteristics could be impacted by the changes being brought in, including the older customers and disabled customers. The ability for Customer Services to support the process, will support people who may not be able to use on-line services or who need clarification because of language needs.

Completed by:	Mike Cowdell
Date	18/12/23
Signed off by:	Mike Cowdell
Date	18/12.23
Equality Lead sign off name:	Angela Farmer
Equality Lead sign off date:	18/12/23
To be reviewed by: (officer name)	
Review date:	

