

Household Waste Recycling Centre and Community Composting Policy – Proposed Changes

Report of the Chief Officer for Highways, Infrastructure Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations: That Cabinet:

- (a) Changes Household Waste Recycling Centre policy as set out in section 3, from April 1st 2017;**
- (b) Changes the recycling credit paid to Community Composting Groups from £58/t to £50/t from April 2017 for a year and reduces it further over the following 2 years to the rate similar to that which Devon pays to its contractor to enable Community Composting Groups to consider alternative sources of funding.**

1. Summary

This report summarises the results of the public consultation on and subsequent proposals for:

- i) Proposed changes to the charges and materials received at the Household Waste Recycling Centres;
- ii) Proposed changes to the value of the recycling credit paid to Community Composting groups.

Taking account of the consultation feedback, changes to existing policy are proposed to enable non-statutory Construction & Demolition / DIY waste materials to be received at recycling centres for a reasonable charge, to further restrict the potential for trade waste abuse at recycling centres, and to align over time the credit paid to community composting groups with the rate Devon pays to its contractor for composting the same materials.

2. Background

Household Waste Recycling Centres:

The policies for receiving household waste at Devon's Household Waste Recycling Centres have recently been reviewed and the proposals were put out for public consultation via Have Your Say website, a press release, and notification to all the Devon parish, town and district councils. The proposals are minor modifications to the Chargeable Waste scheme, vehicle restriction and non acceptable waste policies.

Community Composting:

Discretionary recycling credits are paid to 25 Community Composting groups across the county in line with guidance drawn up by the County Council. The cost of this to the County Council is currently approximately £70,000 and broadly reflects what the County Council would pay to manage this waste through its own existing contractual arrangements.

Following a tender process for a new garden waste contract resulting in a lower rate per tonne a change is proposed to the Community Composting Credit rate to reflect this lower rate.

3. Proposals

Household Waste Recycling Centres:

Proposal 1: Devon currently provides a network of 19 Recycling Centres for Devon residents to dispose of/recycle mainly bulky household and garden waste. This service is free to residents with their Household Waste. However, the legal definition of household waste does not include materials from the repair or improvement of houses i.e. Construction and Demolition (DIY) home improvement types of waste. The Council has no obligation to accept such waste or to accept it free of charge.

Currently, charges apply for the deposition of a range of plastic DIY items, including UPVC windows and doors (with or without glass), baths or shower trays, shower screens and PVC downpipes, guttering, fascia etc. However, to avoid confusion, it is proposed to extend the charges to include *all* Construction and Demolition (DIY) plastic including cladding, soffit, skirting board, panels and panelling, roofing sheets, water tanks, sinks etc. (the list is not exclusive). This will result in a clearer policy for all residents leading to less confusion on site, as all, rather than some, Construction and Demolition (DIY) plastic will be charged for.

Proposal 2: A range of large vehicles are already excluded from using the recycling centres, including box and Luton vans, tractors, vehicles over 3.5t and large vans towing trailers. It is proposed to extend this exclusion to include pick up trucks towing trailers and long wheelbase vans (in excess of 6metres in total length). This will result in less congestion on sites, improve health and safety and reduce the opportunity for traders to try to illegally access the sites.

Proposal 3: It is proposed not to accept heating type oil tanks of all sizes at the sites due to the fact that they are not household waste and therefore the County Council does not have a legal requirement to accept them. This will reduce the risk of environmental issues from oil residues and sludge within the tanks and remove the health and safety issues involved in handling such large items on site.

Community Composting:

Discretionary recycling credits are paid to 25 Community Composting groups across the county. A recycling credit represents the cost that would have been incurred by the local authorities had they dealt with the waste i.e. traditionally the avoided cost of landfill. The activity avoids the waste being dealt with by district and county councils and provides a useful material which is used as a soil conditioner. The credit rate is currently set at the same level as the statutory recycling credit which is £58/t for up to 120 tonnes. For 120-500 tonnes the garden waste credit rate of £49/t is applied. This rate approximates to the current contract rate for dealing with garden waste.

From April 2017 a new contract will be in place with a much lower rate in the region of the national average rate of £25 per tonne. Whilst the County Council fully supports the community groups, it is hard to justify continuing to pay a higher discretionary rate to community groups when the Council could manage this waste cheaper through its new contract. It is therefore proposed that the credit rate paid to Community Composting Groups will be reduced to a flat rate of £25 per tonne from 1st April 2017.

4. Consultations

The consultations ran concurrently from November 4th 2016 to December 23rd 2016. The details were available on the Have Your Say website and were emailed to parish, town and district councils, county councillors, and highlighted by a press release. In respect of the Community Composting, the groups were also consulted.

Results

The results are detailed in Appendices 1 and 2 and summarised below.

- 1) **Household Waste Recycling Centres:** 117 responses were received including 101 on the website and 16 letters. Of the letters 9 were from local councils and 7 were from members of the public. In terms of each proposal the views were as follows:
 - a) to charge for all DIY plastics: 32% for, 59% against
 - b) to exclude pick-ups with trailers and to exclude vehicles longer than 6m: 44% for, 37% against
 - c) to exclude oil tanks: 38% for, 48% against

The responses highlighted fly tipping and its costs both financially to pick it up and its impact on the environment and animals particularly on Dartmoor. Advice was requested on what to do with oil tanks should they be excluded.

- 2) **Community Composting:** The proposal was to reduce the Community Composting Credit to the same level that the County Council will be paying its own contractor. Of 131 responses 11% of respondees agreed with the proposal and 89% disagreed.

The consultation response included a significant response from community composting groups, and others, who made representations on the basis that a reduced credit would reduce community benefits (it has become apparent that much of the credit is pass-ported to local communities); have a negative environmental impact (fly tipping, transport to HWRCs, burning, loss of a valuable product) and reduced social benefits and community cohesion - community composting being an excellent model of community enterprise, volunteering, supporting the vulnerable and thereby enhancing local resilience.

5. Financial Considerations

Household Waste Recycling Centres:

The proposals were intended to clarify rules and make the sites safer and less congested. There will however be a small saving through no longer having to meet the costs of disposal of all DIY type plastics and oil tanks, and potentially fewer traders bringing in unauthorised waste. It is not possible to estimate the scale of this ahead of potential implementation of the proposals.

Community Composting:

The proposal was not intended to reduce costs directly but to bring credits in line with the cost of dealing with the waste by the county council which is how recycling credits are derived. Nevertheless, it is predicted that if the rate was reduced in line with the contract rate a saving in the region of £30,000 per annum would be made.

6. Environmental Impact

Household Waste Recycling Centres:

The consultation responses highlighted the potential for fly tipping. In the past when charges have been made for DIY waste there has not been a significant increase in fly tipping. It is not, therefore, considered that a relatively small increase in the volume of waste charged for would result in any significant increase in fly tipping. In respect of the oil tanks, the potential of an oil leak at the HWRCs will be reduced and advice will be given to householders on how they can be collected and dealt with professionally by specialist contractors.

Community Composting:

The consultation responses included a number (22%) who thought groups would have to stop their operation and they therefore cited potential negative environmental impacts of fly tipping, the need to transport garden waste to HWRCs, the potential for people burning the waste and the loss of a valuable product (compost). However, the proposal is to reduce the composting credit, not to stop paying it and since many groups passport their credits to the community and do not need it to fund the operation it is considered that the environmental impact will be low.

7. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage. This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

In progressing these particular proposals, Impact Assessments have been prepared which have been circulated separately to Cabinet Members and also are available on the Council's website at: <https://new.devon.gov.uk/impact/recycling-centre-changes-april-2017/> and <https://new.devon.gov.uk/impact/changes-to-community-composting-credit-rate/>, which Members will need to consider for the purposes of this item.

Household Waste Recycling Centres:

Proposal 1: The proposal will introduce further charges for Construction and Demolition (DIY) type waste at the Recycling Centres across Devon – Whilst DCC has no legal obligation to accept such waste, it will offer a 'paid for' service for such waste. This provides options for residents generating such materials (e.g. choice of using the DCC service or using a commercial provider, such as skip hire or other waste management service providers).

Proposal 2: The proposal will further restrict the type of vehicles which are acceptable at Recycling Centres, however this will not generally disadvantage people except for those who drive them who are often associated with bringing in trade waste. Alternative vehicles can be used.

Proposal 3: The proposal will ban oil tanks which does not affect any specific group of individuals. Advice will be given on alternative options for disposal.

Community Composting:

Reducing the rate may have a small impact on community initiatives/social enterprises which it appears have been partially funded by these credits. It may reduce the larger groups' ability to run larger scale projects. Anecdotally, two of the groups run their projects as small businesses and a reduction in the rate may reduce their ability to do so. This scheme was designed for small scale localised composting. The groups do have the option to charge for the service and generate an income from the sale of compost. Asking communities to help themselves and be more resilient is a current council policy. Reducing credits might be seen to be reducing groups' ability to help themselves to carry out composting but in reality it is understood that the majority of groups do not use the credits to actually implement the composting. Whoever does receive the income will consequently receive less. It is understood that a small number of the groups employ vulnerable people at their operation and if these groups closed this would no longer be possible. Impacts will be monitored through the credit payments and the tonnage claimed by groups.

8. Legal Considerations

The lawful implications of the recommendations have been considered and taken into account in the preparation of this report/formulation of the recommendations set out above.

9. Risk Management Considerations

These proposals have been assessed and all necessary safeguards or action has been taken to safeguard the Council's position. No risks have been identified.

10. Discussion

Household Waste Recycling Centres:

The consultation was responded to by a small number of people. The majority were against Proposals 1 and 3 mainly due to the potential for fly tipping and their opinion that Recycling Centres should offer free safe disposal. There was a majority in favour of Proposal 2. They also highlighted that there are costs to the councils of fly tipping and also environmental costs.

The proposals will make the sites safer, lead to less confusion on site regarding DIY plastics and reduce the potential impact for an environmental incident on site. On balance it is therefore recommended that the proposals are confirmed but that further advice will be offered to householders via the website and on sites on alternative options for dealing with their waste.

Community Composting:

The proposal to reduce community composting credits to the new contract rate from 1st April 2017 has been strongly challenged by community composting groups, local councils and members of the public on the grounds that communities would have reduced means for

supporting local activities, negative environmental impact and reduced social benefits and community cohesion. Whilst the credit is not being withdrawn completely it is acknowledged that a sudden large reduction from £58/t to £25/t would not give groups time to adjust to the lower rate. It is therefore proposed that an initial reduction to £50/t is made for the year beginning April 2017 and the rate will then reduce to reflect the contract rate over the subsequent two years giving time for groups to access alternative sources of funding.

11. Options/Alternatives

Household Waste Recycling Centres:

Proposal 1: Charging for all DIY plastics

Alternative: Do nothing – Some plastic DIY waste would be charged for and some will not, meaning confusion would remain.

Proposal 2: Excluding towing pick ups and vans greater than 6m long

Alternative: Do nothing – owners of these vehicles will still be able to access the site leading to continued congestion and traders attempting to use the sites. Safety will continue to be compromised.

Proposal 3: No Longer Accepting Heating oil tanks

Alternative: Do nothing – the oil tanks will still be able to be brought to the sites meaning safety will be compromised and leaving the potential for a pollution incident.

Community Composting:

There are a number of options available:

- No change to the proposal – reduce the rate to £25/t which may lead to some groups closing with some social and environmental impacts
- Keep the rate at the full current rate of £58/t – leading to a disparity between the amount paid to groups and the much lower financial cost to the County Council through the new contract
- Change the rate to a value between £25/t - £58/t allowing a compromise but resulting in a policy that does not comply with the guidance
- Introduce a reduction over 3 years reducing the immediate cost savings to the County Council but allowing groups time to adjust to a lower rate and look for potential alternative sources of funding.

12. Reason for Recommendations

Household Waste Recycling Centres:

The changes proposed to the charging regime, and acceptance policies are minor and are not expected to give rise to significant negative impacts. Improvements will include less confusion, less congestion and less health and safety and environmental risk.

Community Composting:

The consultation highlighted the benefits of community composting and how these might be compromised if a sudden reduction in the credit rate was implemented. A gradual reduction in the rate over three years is therefore considered appropriate to give groups time to seek alternative funding to supplement the reduced credit value.

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Chief Officer for Highways, Infrastructure Development and Waste

Electoral Divisions: All

Cabinet Member for Community and Environmental Services: Councillor Roger Croad

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Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
1 Impact Assessment: Recycling Centre Changes April 2017	October 2016	https://new.devon.gov.uk/impact/recycling-centre-changes-april-2017/
2. Impact Assessment: Changes to Community Composting Credit Rate	October 2016	https://new.devon.gov.uk/impact/changes-to-community-composting-credit-rate/

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Consultation results – Household Waste Recycling Centres

A consultation was held from 4th November 2016 to 23rd December 2016 on the following proposals:

Proposal 1- To charge for all DIY plastics

Proposal 2 – To exclude pick ups with trailers and vehicles over 6m long

Proposal 3 – To exclude oil tanks

Responses

In all there were 117 responses, 101 via the Have Your Say website and 16 by letter or email.

Letters

9 letters were from Parish/Town/District Councils and 7 were from members of the public.

In summary, all of the responses were opposed to one or more of the proposals. They were concerned about fly tipping and its costs both financially to pick it up and its impact on the environment and animals, particularly on Dartmoor. Advice was requested on what to do with oil tanks should they be excluded. Brief responses as follows:

Website

There were 101 responses on the website. In summary a majority of people opposed Proposals 1 and 3 and a majority of people agreed with Proposal 2.

Proposal 1 Charging for all DIY plastic

Of those responding 32% agreed with the proposal. 59% disagreed, and of these 54% said no further charge should be made and the remainder had the following key comments to make:

- Disposal should be free due to cost of fly tipping (12)
- All waste should be free (12).

When asked whether there would be any impact on them, of the 32% (30 people) that said there would be, their key comments were as follows:

- There would be fly tipping (14)
- It would cost them more (13)

When asked how we could reduce the impact on them, 25 commented, the key comment being:

- No charge should be made (15)

2. Exclusion of pick-ups towing trailers and vehicles >6m long.

It should be noted that a number of people misunderstood what was being proposed here. Nevertheless, 44% (41 people) agreed to this proposal putting them in the majority. Of the 37% (35 people) who disagreed 80% said that the same vehicles should be allowed in as at present. Other proposals included to:

- Charge for large vehicles unless they can prove they have domestic waste.

67% (61 people) of the respondees said they wouldn't be impacted upon. Of the 15 that said they would be, they responded that:

- It will lead to fly tipping (2).
- It will make life more difficult (1).
- It will affect their tip runs (1).
- It's discriminating (1).
- They won't be able to use a van (1).
- Pickups are often used in rural areas and will be restricted (1).

And asked how we could reduce the impact the key response was:

- No change to the current policy (5)

3. Should oil tanks be excluded?

Of the respondees to this question, 38% agree (36 people) and 48% disagreed (45 people) with the proposal.

Of those that disagreed, 31 said oil tanks should be allowed in and 18 offered alternatives such as:-

- Charge to reduce the likelihood of fly tipping (4)

69% (64 people) said this proposal would not impact on them. Of the 12 people who said they would be impacted upon their comments included:

- What will they do with their oil tank? (5)
- The potential fly tipping will pollute the environment (4)

Asked how could we reduce the impact on them, responses included:

- Set up a separate mechanism to deal with them at reasonable cost (4)
- Accept the tanks (3)
- Provide information on alternatives and cost (2)

Summary

The consultation was responded to by a small number of people. The majority were against Proposals 1 and 3 mainly due to the potential for fly tipping and their opinion that recycling centres should offer free safe disposal. They highlighted the costs to the councils of fly tipping and also environmental costs. If exclusions/charges are to be made people need advice on what else to do with their waste and the potential cost of alternatives. This can be achieved via the website and our contractors.

Consultation results - Community Composting

A consultation was held from November 4th to December 23rd 2016 on the subject of reducing the discretionary community composting credit from £58/t to £25/t. This was due to the new contract rate of approximately £25/t offered by the new contractor from April 2017.

Background

Groups of mainly volunteers meet at allotments or other areas of land within their community to receive householders' garden waste that they shred and compost and offer back to the householders. There are a number of different models ranging from those who deal with a few tonnes per year with no charges, to Uffculme Compost Magic (UCM) who employed 1.3 ftes and charged for the service. Otter Rotters (OR) are the only group to collect waste, which they do in East Devon, EDDC being the only district who doesn't offer a garden waste collection. The larger groups offer work to the disadvantaged who may not otherwise be offered paid employment.

It became evident from the consultation that what happens to the credit also varies. Many groups pass the credit to their local community groups funding scout groups, defibrillators, sports clubs, gardening clubs, chapel, and bell ringers. Others don't seem to have any money spare to do this. Some groups are supported by their District Council – for example Mid Devon and North Devon provide a shredding grant.

Detailed responses

47 letters were received and 84 website questionnaires were completed. 15 of the letters came from Parish Councils, 10 from composting groups, 7 from councillors and 16 from interested members of the public.

The key issues raised from the respondees were as below.

- Groups would close (29)
- Proposal will reduce community benefit – long list of examples (25)
- There would be a negative environmental impact (19)
- The groups provide employment particularly to vulnerable (14)
- Fly tipping will be a consequence (13)
- The service offers free valuable good compost (11)
- There will be more landfill and burning (11)
- Schemes use untapped resources and help community cohesion, the proposal will lead to loss of social and environmental benefits of community enterprise and cohesion (10)
- Good will and volunteers will be lost (8)
- Taper a reduction (8)

Website responses

Q1: Do you agree or disagree with the proposal to reduce the CC credit to the same rate we will be paying our contractor.

Of the 84 responses received, 14 (17%) agreed with the proposal to reduce the recycling credit. 64 (74%) disagreed and 6 didn't answer.

Q2: If you disagree what alternative do you suggest? Same rate; rate between £25 – 58; remove payment where garden collection offered; remove payment altogether; Other?

Of those that disagreed, 73% said we should continue to pay at the current rate, 20% agreed with reducing the rate to something between £25-58/t. One person said remove the credit altogether.

Q3 Would the proposal impact on you?

59% said yes it would, 28% said no it wouldn't and 13% weren't sure.

Q4 If yes (it would impact) what impact would it have on you or your group?

The most popular answers to this question can be summarised as follows:

- There would be reduced income for community amenities: 12
- Their group wouldn't survive: 10
- UCM would close: 6
- Volunteer enthusiasm would wane: 4
- There would be further to travel (emissions): 4; extra cost and pollution due to travel: 3
- Their group is on a knife edge and could break: 4
- A good source of local compost would be lost: 3
- Fly tipping would result: 3
- Vulnerable adults would lose support: 3

Q5 How could we reduce the impact on you or your group?

The key response was to:

- Retain payments at the current rate: 24

Response summary

The vast majority of the 131 respondees opposed the proposal to reduce the credit rate from £58 to £25. (14 agreed with the proposal)

The key objections were that many sites would close and this would result in 3 major negative consequences

- reduced community benefits (it has become apparent that much of the credit is pass-ported to community groups);
- negative environmental impact (fly tipping, transport to HWRCs, burning, loss of a valuable product).
- Reduced social benefits and community cohesion - community composting being an excellent model of community enterprise, volunteering, supporting the vulnerable and thereby enhancing local resilience.