

Appendix 1

KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

Decision:

As Corporate Director for Growth, Environment and Transport, I agree:

For the Waste Management service to expand the current charging policy for cross-border, non-Kent residents, to continue to use the KCC HWRCs.

I will keep progress of the policy under review and inherit the main delegations via the Officer Scheme of Delegation to make any further operational changes to the policy, including the amount charged, as required.

Reason(s) for decision:

Kent County Council (KCC) operates as the Waste Disposal Authority (WDA) and, in accordance with the Environmental Protection Act (EPA) 1990, provides Household Waste Recycling Centres (HWRCs). KCC currently operates a network of 19 HWRCs providing facilities for re-use, recycling, and safe disposal for a range of materials delivered by Kent residents.

The Act states that waste can be accepted from non-residents and that charges can be levied for the disposal of this waste i.e., KCC can either prohibit use entirely or charge residents who do not live in the KCC administrative area for using the Authority's HWRCs.

Furthermore, KCC has an agreement in place with Medway Council for a number of years whereby KCC paid Medway reimbursement costs for Kent residents using the Medway HWRCs. However, as part of the Key Decision taken in October 2019, for the approval of operation a new Allington HWRC, it was agreed that this agreement would only continue until the new HWRC was open as the residents of Tonbridge & Malling now have a local facility to use. The new Allington HWRC opened in May this year (2022), and as such the payment to Medway Council will cease at the end of March 2023.

Cost pressures on the Waste Management service are another factor in considering whether a cross-border customer policy for use of the Authority's HWRCs is still appropriate.

As part of the public consultation undertaken by KCC regarding the HWRC booking system, a 'further consideration' question asked respondents whether they thought residents from outside of Kent should be able to dispose of their waste at KCC's HWRCs. Whilst 44% of respondents thought that residents should not be able to use the KCC HWRCs, 30% thought they should be able to but for a charge. The remaining thought non-Kent residents should be able to use the sites free of charge. Although public opinion is in favour of prohibiting non-Kent residents entirely, in order to continue to provide an element of choice, the chosen policy allows continued access, albeit for a charge.

The proposed policy has also been shared with cross-border authorities for their views and comments in November 2022. Of those that responded / engaged in dialogue, there have been no objections or concerns raised.

The Member Decision [21/00123](#) relating to the HWRC booking system states:

For the Corporate Director for Growth, Environment and Transport to keep progress of the booking system under review and to inherit the main delegations via the Officer Scheme of Delegation to make any further operational changes to the booking system to maximise customer service.

This cross-border policy will be managed via the HWRC Booking System. When a customer attempts to make a booking to dispose of household waste from an address outside of the KCC administrative area (i.e., the address occupier does not pay Council Tax to one of the twelve Kent district or borough councils), they will receive a message on the system (or will be read by the Contact Centre agent if a booking is made via the telephone), to inform them that if they still choose to use the KCC HWRC, they will be required to pay £10 on arrival. This information will pull through to the tablet device at the HWRCs, on the live list of bookings, so that the HWRC operative is aware that the customer is from outside of Kent and therefore needs to pay.

A cross-border permit scheme is already in place at Dartford HWRC and was introduced 25 years ago to limit 'free use' of the facility to Kent residents only because use of the site by those who live outside Kent (such as Bexley) became excessive and costly. Furthermore, a number of other Local Authorities (LAs), including those close to or sharing a border with KCC, already have cross-border HWRC policies, or are likely to be considering introducing one, as follows:

- London Borough of Bexley Council – stopped accepting Kent residents during the Covid-19 pandemic and will continue to do so
- London Borough of Bromley residents - £5 per visit for non-Bromley residents
- Surrey County Council – allow Surrey residents only
- West Sussex County Council – allow West Sussex residents only
- East Sussex County Council – no cross-border policy currently
- Medway Council – no cross-border policy currently, but the decision of whether to introduce a policy is with the Leader of the Authority

This could, therefore, impact on the flow of movement across borders including by KCC residents. If KCC were to continue to allow free access, whilst other LAs charged, this would impact the demand at the KCC HWRCs, which could result in capacity issues.

Taking into account the approach by other LAs, public feedback and financial modelling, in order to continue to provide choice to residents, the policy Decision is to continue to allow cross border, non-Kent residents from using the KCC HWRCs, albeit for a charge.

Financial Implications:

The income will offset the costs of disposal and manage the demand on the HWRCs as we retain capacity for Kent residents, especially as the demand on the service will only increase because of housing growth. The policy has been modelled at a cost of £10 per visit. The modelling is based on two different scenarios, because it is difficult to predict resident behaviours. The figures are modelled on an 85% reduction in non-Kent visits, based on the experience of another Local Authority (LA) who have implemented a similar cross-border policy – this may bring in a modest income of £45k.

The model takes into account the potential income to be received from non-Kent residents, as well as the savings to be made from these residents no longer using the HWRCs, and therefore saving KCC the cost per reduced visits. It also factors in KCC residents returning to the KCC HWRCs, if Medway Council also implement a cross-border charging policy once the payment to Medway ceases at the end of March 23.

An income target for introducing a policy of cross-border charging has already been applied to 22/23 budget as it was included in the Medium-Term Financial Plan (MTFP). This target has been met by virtue of a drop in cross border visitors using Kent's waste sites which was higher when the introduction of a policy was initially considered.

Costs:

The policy will not require any additional personnel resource. The set-up of the policy and associated operations will be managed by existing KCC Waste Management staff. The additional requirement to take payment from customers will be managed by existing HWRC site operatives, who have experience using the tablet devices for administering the booking system and taking payments for the disposal of non-household waste items (soil, rubble, hardcore and plasterboard).

There will some set-up costs associated with the policy, for development works by the Booking System Provider, additional payment machines and associated financial set-up costs, and communications. This is envisaged to be in the region of £25k. There will also be ongoing yearly costs associated with processing the payments from customers (approx. £5k per annum).

Legal implications:

KCC is the statutory Waste Disposal Authority (WDA) for the county. There has been a duty on the WDA to provide HWRCs since the Civic Amenity Act 1967. The duty is now embodied within section 51 of the Environmental Protection act 1990.

The Act states that a WDA should provide places at which residents in its area may deposit their household waste, and that this should be free of charge. The Act also states that waste can be accepted from non-residents and that charges can be levied for the disposal of this waste.

It is important to be aware that we still await a response from DEFRA to a consultation it launched in April 2022, seeking views on charging for non-household waste items and booking systems at HWRCs. There is, therefore, a risk that booking system could be a tool no longer permitted to be used to manage HWRC demand in the future. However, the severe delay in response gives Authorities no choice but to continuing developing policies reliant on such tools.

Equality Implications:

An Equality Impact Assessment (EqIA) has been undertaken in relation to this policy. As explained, the HWRC booking system will be used to administer the policy, and payments will be taken in the same way as for chargeable materials at the HWRCs. Both of these mechanisms are already subject to their own EqIAs, of which all mitigating actions have been delivered.

No further negative or positive impacts have been identified as a result of implementing the policy, which have not been accounted for in the two existing EqIAs.

Comments received from members consulted:

The HWRC Booking System was discussed by Members of the Environment and Transport Cabinet Committee on 18 January 2022. The papers included the results to the public consultation including the question regarding cross-border use of the KCC HWRCs.

A Waste Management update paper on various operational matters is to be taken to the Environment and Transport Cabinet Committee on 19 January 2023 and will include this ROD as an appendix to that report.

The Cabinet Member for Environment is fully supportive of this cross-border policy.

Any alternatives considered and rejected:

Waste Management Officers considered the following alternative options that were rejected:

1. Continue to allow cross-border, non-Kent customers, to use the KCC HWRC free of charge: KCC would continue to pay for the disposal of waste from these customers, when not legally required to do so. This pressure could be exacerbated further if Medway Council take the decision to either prohibit / or charge Kent residents from using their HWRCs, as well as the impact of other LAs already prohibiting and / or charging on demand on the KCC HWRCs,

potentially leading to capacity issues.

2. Prohibit cross-border, non-Kent customers from using the KCC HWRCs entirely:
There is no evidence from financial modelling to suggest there are significantly more savings to be made from prohibiting non-Kent residents, than introducing a charge. This option does not provide choice to a customer, who may simply wish to use the HWRC nearest to them, regardless of which Local Authority is it operated by.

A handwritten signature in black ink, appearing to read 'Simon Jones', written in a cursive style.

Simon Jones

Corporate Director for Growth, Environment & Transport