

From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste

David Beaver, Head of Waste Management and Business Services

To: Environment and Transport Cabinet Committee – 17 January 2019

Subject: Policy to adopt charging for non-household waste materials at Household Waste Recycling Centres

Classification: Unrestricted

Key Decision: 19/00001

Past Pathway of Paper: Environment & Transport Cabinet Committee 13th July 2018

Future Pathway of Paper: For decision by Cabinet Member for Planning, Highways, Transport and Waste.

Electoral Division: Whole of Kent

Summary: The Kent Waste Disposal Strategy (2017-2035) was adopted in February 2017, and sets out the overarching ambition for KCC Waste Management. Analysis has shown that the current waste infrastructure will not cope with the expected levels of waste growth anticipated as a result of the forecast population increase. Before considering any potential funding for added infrastructure, officers are developing projects and policy changes designed to reduce demand on site, create revenue streams and create clearer intelligence that will enable stronger and more successful enforcement actions against individuals defrauding the Authority through illegal disposal of trade and commercial waste.

An 8-week public consultation was launched on 6 September 2018 and closed on 1 November 2018. The consultation sought to gain views from the public and stakeholders regarding introducing charging for the following streams of non-household waste at the KCC Household Waste Recycling Centres (HWRCs):

- Soil, rubble and hardcore
- Plasterboard

This report sets out the findings of the consultation and recommends proposed changes to KCC's operating policy.

Recommendation:

The Environment and Transport Cabinet Committee is asked to comment and endorse or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the recommendation to introduce disposal charges for soil, rubble, hardcore and plasterboard at the KCC HWRCs, with charges and limits as follows:

- Soil, rubble and hardcore: £4 per bag (or part bag)/ item (a bag being up to the size of a standard black sack); (Appendix B)

- Plasterboard: £6 per bag (or part bag)/ sheet (a bag being up to the size of a standard black sack); and
- A daily limit on soil, rubble and hardcore, of a maximum of 5 bags/ items per day

as shown at Appendix A.

1.0 Background

- 1.1 This paper presents the findings from the recent Kent County Council (KCC) consultation regarding the proposal to charge for the disposal of soil, rubble, hardcore and plasterboard at the 18 KCC Household Waste Recycling Centres (HWRCs).
- 1.2 KCC Waste Management operates in a two-tier system. KCC is the statutory Waste Disposal Authority (WDA), responsible for the receipt at Waste Transfer Stations (WTSs) and onward processing/disposal of household waste which is collected by the district and borough councils as the Waste Collection Authorities (WCAs). KCC also has statutory responsibility to provide a Household Waste Recycling Centre (HWRC) service to residents. KCC's annual revenue expenditure to meet these responsibilities is c. £65m.
- 1.3 KCC operates 18 HWRC's across the County for the use of Kent's 1.6 million residents to bring their household waste for recycling and final disposal. Each year this HWRC network receives approximately 185,000 tonnes of waste and 3.5 million visits.
- 1.4 KCC has made significant progress in its environmental performance over the past 10 years. More than 99% of Kent's household waste is now recycled, treated or recovered to produce energy, with less than 1% sent to landfill.
- 1.5 Kent's population is set to increase by 19% by 2035, and research indicates that there is a strong correlation between housing numbers and waste arisings, and analysis has shown that by 2035, the current Kent waste infrastructure (HWRCs and WTSs) will not be adequate to meet the expected levels of waste growth.
- 1.6 Prior to considerations for any potential funding for added infrastructure, Waste Management Officers are developing projects and policy changes designed to reduce demand on site and create revenue streams, such as charging for non-household waste, re-selling certain items and maximising recovery of high value recyclates.
- 1.7 Members and officers have looked at how other Councils across the country are approaching the future of HWRCs. It is clear that many have looked to save money by closing facilities, reducing opening hours, charging for some waste or not accepting various types of waste. KCC Members are clear they wish for the HWRC service, which is highly valued by residents, to be retained in Kent.

2.0 Charging for non-household waste

- 2.1 There is no requirement to accept any waste other than a resident's own household waste free of charge at HWRC's. In Kent there are several different materials already accepted for free which are not classed as household waste. These include soil, rubble, hardcore and plasterboard. Even if originating from a domestic property, these materials are to be treated as non-household waste in accordance with the Controlled Waste Regulations. Other commercial and industrial waste from businesses is not permitted at any of the HWRC's.
- 2.2 KCC currently charges for the disposal of car and motorbike tyres, as these are not classified as household waste. This charge is to cover the cost of disposal and has been in place since 2012. The charge is £2.50 per tyre, for up to 5 tyres.
- 2.3 Whilst the County Council limits the amount of non-household waste that is brought to these sites, it does not currently charge for any material stream other than tyres. KCC is legally able to charge for a number of materials.
- 2.4 In recent years a number of WDAs have introduced charges for other non-household waste streams. Almost half of all WDAs in England currently charge. These now include our neighbouring authorities in East Sussex, Surrey and Bromley.
- 2.5 East Sussex County Council (ESCC) commenced charging for non-household waste, including soil, rubble, hardcore, plasterboard, tyres and asbestos on 1 October 2018, following a public consultation. ESCC is charging £4 per bag of soil, rubble and hardcore, £4 per bag or sheet of plasterboard, £2 per tyre and £6 per bag or sheet of asbestos – bag size is based on a standard rubble sack. Additionally, ESCC closed 2 HWRCs at Forest Row and Wadhurst, close to the Kent border on 1 October 2018, which is likely to add further pressure on KCC's HWRCs. It is currently too early to assess the impact of these charges and closures on KCC HWRCs. However, customer postcode data collected prior to the changes at ESCC, show that 2% of customers using Tunbridge Wells HWRC came from East Sussex, and 3% at New Romney HWRC.
- 2.6 The London Borough of Bromley (LBB) charges a disposal cost for hardcore waste of a minimum of £23 for up to 100kg. LBB sits on the border with Sevenoaks District; which has two HWRCs at Swanley and Dunbrik. Customer postcode data shows that 9% of customers at Swanley HWRC are coming from Bromley and 12% of customers at Dunbrik HWRC are from Bromley.
- 2.7 Surrey County Council (SCC) introduced charges for non-household waste in April 2016. It costs £4 per bag or item to dispose of soil, rubble and hardcore and £12 per sheet of plasterboard and £5 per tyre. Customer postcode data shows that 4% of customers using Dunbrik HWRC come from Surrey. Indeed, the year after the introduction of charging at Surrey HWRC's (2016/17), the amount of soil, rubble and hardcore brought to Dunbrik HWRC increased by 159 tonnes compared with the previous financial year. On 30 October 2018, Surrey commenced a public consultation regarding their HWRC service including proposing the closure of a number of HWRCs and increasing the charge to residents for the disposal of non-household waste by £1.
- 2.8 Since the introduction of a soil and rubble limit policy across the KCC HWRCs in 2012 (90kg per day limit), tonnages for this waste stream have reduced across the network,

with the exception of Sevenoaks HWRC, which has seen a 23% increase in soil and rubble compared to pre-policy levels and Swanley HWRC which has seen a 16% increase since pre-policy levels.

- 2.9 With a chargeable soil and rubble HWRC facility in Bromley, Surrey and East Sussex, we should consider that cross border customers could be depositing soil and rubble, to save charges made within their own authority.
- 2.10 There is also a perception that traders are encouraging residents to deposit this non-household waste themselves, rather than take on the responsibility as part of the service offered.
- 2.11 Whilst there is a recognised need for residents to dispose of non-household materials on occasion, these types of materials could be disposed of by paying traders to complete works, via skip hire companies, or legitimate private waste disposal contractors. Alternatively, the County Council could continue to provide this service at its HWRCs through a reasonable charge mechanism for the disposal of these materials by householders which would cover the cost of bulking, hauling and final disposal for such materials.
- 2.12 Officers discussed a series of options and proposals for charging with the Waste Strategy Cross Party Member Group (CPMG). The CPMG was set up in order to help guide the Kent Waste Disposal Strategy development and delivery (Appendix B - membership of the CPMG). As part of the development of the proposal, officers examined several alternative options that were subsequently assessed as not appropriate. Details of the considered options and the reasons for them not being progressed are provided in Appendix C.

3.0 Results of the Public Consultation

- 3.1 On 6 September 2018, an 8-week consultation commenced, closing on 1 November 2018 to gain views from the public and stakeholders regarding introducing charging for the following streams of non-household waste at the KCC Household Waste Recycling Centres:
 - Soil, rubble and hardcore
 - Plasterboard
- 3.2 In total 2,841 consultation responses were received. This comprised 2,757 online questionnaires, 62 paper copy questionnaires (3 of which were scanned and sent) and a further 22 representations by email or letter from members of the public, and other stakeholders. Of these responses, there were 88 responses on behalf of a district/ borough/ parish or town council in an official capacity, of which 10 responses were from Kent WCAs (1 being Medway Council, and 2 different responses received by Canterbury City Council). Please note, not all district/ borough/ parish/ town councils stated the name of their organisation in their response.

3.3 KCC Waste Management Officers have undertaken detailed analysis of all results and the full consultation analysis report is attached as appendix D. However, a response summary is provided in this paper.

3.4 The main question was to gain views on the proposal to charge, as follows:

Question: KCC is proposing to introduce a modest charge for the following non-household wastes, to off-set the cost of providing the service:

- Soil, Rubble and Hardcore
 - This also includes other materials such as ceramics which are recycled in the soil, rubble and hardcore container.
 - In line with neighbouring Councils we anticipate the charge to be: £4 per bag (or part bag) / item (a bag being up to the size of a standard black sack
 - A daily limit in-line with current restriction will apply – a maximum of 5 bags / items

- Plasterboard
 - In line with neighbouring Councils we anticipate the charge to be: £6 per bag (or part bag) / sheet (a bag being up to the size of a standard black sack

To what extent do you agree or disagree with this proposal?’

Response: 85% of respondents either disagreed (19%) or strongly disagreed (66%) with the proposal, 4% were neutral and 11% either agreed (8%) or strongly agreed (3%). Respondents were asked for any comments on the proposal (answered by 2,411 respondents), with the most common comments as follows:

- Concerns regarding an increase in flytipping (1905 comments)
- View that any income received will be required to offset increasing costs for removal of flytipping (661 comments)
- Proposed cost is too high (419 comments)
- Should charge/ introduce a permit/ cross-border scheme for non-Kent residents (229 comments)
- Concerns regarding the limit/ bag size/ weight (111 comments)
- Should be stronger enforcement of current policies (111 comments)

3.5 Although one of the options considered and subsequently not progressed was to introduce a Kent County-wide cross-border scheme (as detailed in Appendix C), the CPMG agreed the question should be posed as part of the questionnaire, as follows:

Question: Do you think that non-Kent residents should be able to deposit their waste at Kent HWRCs?

Response: 34% of respondents stated yes for a charge, 23% stated yes, free of charge, 39% stated no and 4% don't know.

3.6 Some questions were also posed to understand customer behaviour, as follows:

Question: What is the main reason for your use of the HWRC?

Response: 17% to supplement kerbside collection, 6% prefer to dispose of waste more frequently than kerbside collection allows, 43% to dispose of waste following a sort / clear out, 1% part of regular routine / enjoy visiting, 1% to dispose of waste/recycling on behalf of a friend/relative/neighbour, 21% undertaking home improvements, 10% other (of which the majority was to take in garden waste – 7%).

Question: Have you brought soil, rubble, hardcore and/or plasterboard to the HWRCs in the last two years?

72% stated they had brought these materials to the HWRC in the last 2 years, 27% stated they had not, and 1% did not know.

Question: How satisfied are you overall with the HWRC service?

Response: 80% of respondents were either satisfied or very satisfied, 13% were neutral, 7% were either dissatisfied or very dissatisfied.

3.7 Finally, the questionnaire asked for any further comments or suggestions, with main comments being as follows:

- View that any income received will be required to offset increasing costs for removal of flytipping/ cost too high (577 comments)
- Concerns regarding an increase in flytipping (344 comments)
- Should charge/ introduce a permit/ cross-border scheme for non-Kent residents (295 comments)
- Comments/ feedback on specific HWRCs (288 comments)
- Comments regarding recycling, reuse and selling materials (226 comments)
- Comments regarding HWRC site staff (218 comments)

3.8 With regards to views from residents that we should introduce a permit or cross-border scheme/ charge non-Kent residents, as explained in Appendix C and as included within the consultation questionnaire, KCC Officers have considered asking users to provide proof of Kent residence at all HWRCs, by way of a permit scheme (such as that currently in operation at Dartford HWRC). However, this is likely to have significant impacts on convenience, speed and cost of using our HWRCs for all users. This option would cost upwards of £25,000 per site, per year to manage which is not cost effective and would likely add to further delays at site.

4.0 Environmental implications

4.1 The perception of an increase in flytipping is the most common concern cited by consultation respondents. However, the vast majority of residents are law abiding and keen to dispose of their waste appropriately. Flytipping is a criminal offence punishable by a fine of up to £50,000 or 12-months imprisonment if convicted in a Magistrates Court and an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court. There are also a number of other possible penalties, including fixed penalty notices and having a vehicle seized.

- 4.2 However, there is no significant evidence to link policies, such as charging for non-household waste at HWRCs, with increased fly-tipping. In a NAWDO (National Association of Waste Disposal Officers) survey of local authorities in June 2017, of those respondents which had introduced HWRC charges for non-household waste, regarding the impact on fly-tipping:
- 12 authorities said they have seen no impact, or a minimal one.
 - 4 authorities said they have seen an increase, but only in line with national trends
- 4.3 Neighbouring authorities who have introduced charges for non-household waste, have not seen evidence of an increase in fly-tipping as a result. This indicates that residents are not likely to resort to fly-tipping if they must pay for materials that used to be free or if access to their HWRC changes. Whilst it is too early for actual flytipping data to be released since East Sussex County Council commenced charging in October 2018, ESCC asked for anecdotal feedback from all their district and borough councils to see if they are seeing flytipping that they would attribute to their charging scheme and so far, they reported very little. It must be borne in mind, however, that it is difficult for any real conclusions to be made on impacts until spring time when the weather improves, and it is more likely this this type of material is required to be disposed of.
- 4.4 Furthermore, when KCC introduced charging for tyres in 2012, although there was a slight increase in flytipping overall compared to the previous year (4.5% - 524 incidents), this mirrored the national increase, and the number of incidents of flytipping of tyres actually decreased.
- 4.5 However, it is recognised that there is a minority of people who commit criminal offences. Kent district and borough councils, supported by KCC, are working hard to tackle this anti-social and criminal act through enforcement techniques and an intelligence led approach. A Kent Resource Partnership (KRP) practitioner's group has been set up in Kent to jointly tackle flytipping through an intelligence led and sharing approach. Membership includes Kent Police, all 12 district and borough councils, KCC Waste Management and Intelligence Unit, the Environment Agency, the National Farmers Union and the Driver and Vehicle Standards Agency (DVSA).
- 4.6 There is also evidence that unscrupulous waste removal companies are undermining legitimate businesses by collecting waste from people's homes for very little money and then flytipping the waste. The Government also has concerns about the situation where householders allow an unauthorised person to take their waste away, and where the waste is then fly-tipped. In January 2018 it published a consultation on proposals to tackle crime and poor performance in the waste sector & introduce a new fixed penalty for the waste duty of care, this is due to commence in early 2019.
- 4.7 A small number of respondents also raised concerns that the proposal may have a negative impact on recycling rates. Residents in Kent recycle 50.65% (October 18 data) of their waste (kerbside and HWRC waste combined) and achieve a 71.68% recycling rate at the HWRCs alone. Data released by Defra has been analysed to ascertain whether recycling rates of several WDAs changed after introducing

charging for the disposal of non-household waste materials at their respective HWRCs. Overall recycling rates (including HWRC and kerbside collected waste) and recycling rates at HWRCs were considered. The results vary dependent on WDA; some have seen recycling rates remain constant, some have seen a small decrease, whilst others have seen an increase in recycling rates. There are several factors which could result in a change to recycling rates e.g. contract changes, customer communication programmes etc, and as such there is no evidence to suggest charging has resulted in a decrease in recycling rates.

5.0 Financial implications

- 5.1 Through the HWRC network, KCC accepted 38,000 tonnes of soil rubble and hardcore and 2,000 tonnes of plasterboard for disposal last year (17/18). However, it is worth noting that where other Local Authorities have introduced charging for non-household waste materials, tonnages have reduced significantly.
- 5.2 The proposed charges consulted upon were determined by several cost factors including; disposal and treatment of the material, haulage, contractor management fees, administration fees and resources.
- 5.3 The table below, shows the potential income, costs and revenue contribution to the annual budget based on current tonnages and charging customers to dispose of these non-household waste types, in-line with a number of other Local Authorities. These figures are based upon current contractual arrangements regarding ownership; in some cases, contractor's take ownership for materials and take responsibility for the cost of disposal, rather than KCC. Furthermore, current tonnages and an average weight per bag has been used to enable the calculations to be made.

Income – Gross projected	Cost to haul, dispose and process soil, rubble, hardcore and plasterboard	Cost of additional HWRC site staff, technology and infrastructure amends	Revenue Contribution to Medium Term Financial Plan (annual budget)
£4,000,000	£1,378,000	£1,000,000	£1,600,000 (£1million for initial full year of operation)

- 5.4 With regards to payment method, the intention is to accept card payment only, in order to stop cash handling at the sites. There will, however, be a system in place to accept cash only in circumstances where there are any unforeseen issues with the payment technology e.g. connectivity issues.
- 5.5 The majority of KCC's HWRCs and Waste Transfer Stations (WTS) were designed and built decades ago and were initially intended to manage small quantities of household waste produced by Kent residents in addition to 'black sack waste' collected by the district and borough councils. Continued investment in the HWRC

and WTS network infrastructure is required to support waste growth, recycling advancements and legislative requirements. Whilst many other authorities are looking to save money by closing facilities, KCC appreciate the need to retain sites and where possible increase provision in order to sustain increasing waste growth. Charging for non-household waste items will help towards achieving this long-term aim. KCC Waste Management will seek future capital funding bids in order to protect the HWRC network which is valued by residents.

- 5.6 For all housing growth, local authorities receive contributions from the housing developers towards certain infrastructure costs (known as S106 or CIL funding dependent on district area). The challenge that KCC has as the WDA is the ability to secure developer contribution funding, to invest into the development of waste infrastructure because of increased housing growth and therefore demand on the service provided. The KCC Economic Development Team are working hard with KCC Waste Management officers to get waste infrastructure included in the asks of developers whether through S106 or through CIL. However, it is a difficult area with which to prove infrastructure requirements.

6.0 Legal implications

- 6.1 There are statutory obligations required of a Waste Disposal Authority which must be met, and any policy changes must be compliant.
- 6.2 External legal advice has been sought to examine all relevant legislation and guidance on these matters and the advice supports the Authorities proposal to charge for non-household waste disposal at the HWRCs. This is detailed in Appendix F for reference.

7.0 Equalities implications

- 7.1 An Equality Impact Assessment (EqIA) was completed prior to consultation to ensure consideration was given to the impact of any policy changes and the approach to consultation. This initial assessment indicated that any impact on users could be reasonably mitigated. As part of the consultation approach, alternative formats of the questionnaire were available on request – 2 Easy Read copies of the document were completed. Respondents were asked for any comments about the EqIA as part of the consultation questionnaire. The key comments were:
- Views that an EqIA is not applicable or required for this consultation ‘waste of time’ (129 comments)
 - Concerns regarding those on low income being able to afford the disposal/ financial impacts (74 comments)
 - Waste disposal must be made easy for older people and people with disabilities and financially disadvantaged residents (61 comments)
 - Concerns regarding bag weight (22 comments)
- 7.2 The EqIA (Appendix G) was reviewed after the consultation to enable KCC to respond to any new issues that arose during the consultation and to ensure no groups were disadvantaged. In the initial screening, age, disability and race were identified as being potentially impacted as a result of the proposed charging. The

public consultation responses did not reveal any further impacts to these protected characteristics or any others. However, some further issues were identified that were not-related to any one protected characteristic, namely the impact of disposal costs to those on low income and the ability of people to lift different weights of bags. These issues and mitigations, which include HWRC site staff applying discretion with payment for 'part bags' as a result of lifting challenges, equal access to payment mechanisms and appropriate communications, have been included within the 'action plan'.

8.0 Next Steps

8.1 Following consideration of the recommendations by Environment and Transport Cabinet Committee (ETCC), a final decision will be taken by the Cabinet Member for Planning, Highways, Transport and Waste on whether to commence charging for these non-household wastes.

9.0 Conclusion

9.1 We do not consider that any new information has been presented that would lead to a withdrawal of the proposal to charge for soil, rubble, hardcore and plasterboard at the HWRCs. The main concern was with regards to an increase in flytipping as a result of introducing the charge, however, there is no evidence to suggest this will be the case.

9.2 Regardless, a full review of any policy changes implemented will be undertaken including close monitoring of flytipping across Kent to identify any hotspots arising from the implementation of operational policy changes. Kent are in a strong position to work collaboratively with partners to continue to tackle flytipping and ensure that residents are supported to know how to legitimately to dispose of their waste. KCC will continue to work closely as part of the Kent Resource Partnership Practitioner's Group to tackle the illegal activity of flytipping.

9.3 Furthermore, through KCC and the district/ borough councils, residents are supported to ensure they are provided with information about the best way to dispose of their household waste, whether through their kerbside collection, the HWRCs or employing reputable and licensed companies for those larger jobs. KCC will launch a Duty of Care communications campaign relating to use of the KCC HWRCs. This campaign will explain to both householders and businesses how they should dispose of their waste correctly, where they can find more information about waste disposal and options available to them. The KRP undertake regular communications campaigns, on behalf of all 12 Kent district and borough councils and KCC. These include flytipping campaigns, the most recent one being in November 2018. KCC will continue to support any flytipping campaigns undertaken by the KRP.

9.4 An overarching implementation plan has been prepared (Appendix H), with an anticipated policy start date of 3rd June 2019, should the decision be taken to charge. The Implementation Plan includes:

- a) Operational considerations including HWRC site adaptations, site staff training
- b) Technological/ payment considerations
- c) Communications campaign
- d) An HWRC Duty of Care campaign
- e) Post policy implementation actions

10.0 Recommendations

10.1 The Environment and Transport Cabinet Committee is asked to comment and endorse or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the recommendation to introduce disposal charges for soil, rubble, hardcore and plasterboard at the KCC HWRCs, with charges and limits as follows:

- Soil, rubble and hardcore: £4 per bag (or part bag)/ item (a bag being up to the size of a standard black sack); (Appendix B)
- Plasterboard: £6 per bag (or part bag)/ sheet (a bag being up to the size of a standard black sack); and
- A daily limit on soil, rubble and hardcore, of a maximum of 5 bags/ items per day

as shown at Appendix A.

11.0 Background Documents

Appendix A: Proposed Record of Decision

Appendix B: Material list

Appendix C: Waste Strategy Informal Members Group membership

Appendix D: Proposal to charge for non-household waste-Alternative Options Table

Appendix E: Post-consultation analysis report

Appendix F: Post-consultation analysis report: Appendices

Appendix G: Legal advice on Proposal to charge for non-household waste

Appendix H: Equalities Impact Assessment

Appendix I: Overarching Implementation Plan

12.0 Contact details

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