

Appendix 4: response to government consultation on changes at household waste recycling centres

The information in this paper is an extract of information and questions from: <https://consult.defra.gov.uk/waste-and-recycling/consultation-on-diy-waste-and-call-for-evidence/>

Introduction

The government believes that local taxpayers deserve a comprehensive waste and recycling service in return for the council tax they pay for local services.

Household Waste Recycling Centres (HWRCs) play an important role in helping people manage the waste they produce in a convenient and sustainable way. They play a key role in supporting kerbside collections and in boosting recycling. They need to be accessible to all residents – both in when they are available, and by not charging fees that some may be unable to afford. They help ensure waste is disposed of in a responsible way, rather than being fly-tipped.

Our Resources and Waste Strategy 2018 commits us to ensuring charging regimes are clear, and to ensuring that householders are not charged for depositing small-scale construction waste (“DIY waste”) at HWRCs.

Position today

Section 51 of the Environment Protection Act 1990 requires councils who are Waste Disposal Authorities to provide residents with a place to dispose of their household waste (usually HWRCs).

The Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015 and The Local Authorities (Prohibition of Charging Residents to Deposit Household Waste) Order 2015 prevent councils in England from charging residents to deposit household waste at HWRCs. Both Orders state that “household waste” has the same meaning as in section 75 of the 1990 Act as read with regulation 3 of, and Schedule 1 to, the Controlled Waste (England and Wales) Regulations 2012 (‘2012 regulations’). The 2015 Orders were passed to clarify the legal position that householders should be able to dispose of their household waste for free.¹

In the 2012 regulations, “Waste from construction or demolition works, including preparatory works” is classified as industrial waste. Despite WRAP guidance to the contrary, some local authorities have continued to interpret this as including not only waste from the professional construction of buildings and their demolition, but also waste from DIY works a householder might undertake to maintain and enhance their property. As a result, in some areas, householders face charges to dispose of DIY waste at HWRCs. This is clearly against long-standing government policy, re-affirmed in 2016² after the passage of the 2015 Orders.

In the 2018 Resources & Waste Strategy, the government stated: “It’s important that local residents are able to dispose of their rubbish in a responsible and convenient manner. We will therefore ensure that charging arrangements in the Controlled Waste Regulations are clear,

¹ DCLG, Preventing ‘backdoor’ charging at household waste recycling centres, March 2015.

² <https://questions-statements.parliament.uk/written-questions/detail/2016-11-23/54659>

especially in relation to waste arising from small scale DIY construction activities carried out by ordinary householders with no specialist skills, which government has been clear should not be charged for. We will review Household Waste Recycling Centre services and the Controlled Waste Regulations and, subject to consultation, will amend them to ensure they remain fit for purpose, charges are fairly applied, and that services are accessible, support high levels of recycling, and deliver value for money" (p.75).

We are therefore consulting on the technical detail of our proposal to amend legislation so that local residents cannot be charged for disposing of DIY waste at their local HWRCs.

New Burdens

The New Burdens Doctrine (NBD) aims to make sure the local government sector gets the support they need.

DLUHC Ministers have decided to waive the NBD in relation to the DIY waste disposal proposal because this policy will ensure householders can dispose of DIY waste free of charge. This supports the government's wider strategy on environmental protection as it will remove a financial disincentive to dispose of waste properly. DLUHC has therefore decided that LAs, which currently charge householders to dispose of DIY waste, will be required to absorb any associated costs.

The NBD is government guidance. DLUHC Ministers have the right to deviate from government guidance if there is a good reason.

Amending the legislation will help ensure DIY waste is disposed of properly, reducing the risk of waste, such as plaster board, being placed in residual waste bins. It will also reduce the potential risk of fly-tipping, littering and backyard burning, creating additional costs for local authorities and causes environmental issues.

Duration

This technical consultation will run for 12 weeks. This is in line with the Cabinet Office's 'Consultation Principles' which advises government departments to adopt proportionate consultation procedures. The consultation opens on 11 April 2022 and closes on 4 July 2022.

Proposed consultation response

About you

Q1. Would you like your response to be confidential?

- Yes
 No

If you answered 'Yes' above, please give your reason.

Q2. What is your name?

Lynsay Cook

Q3. What is your email address?

Lynsay.cook@brighton-hove.gov.uk

This is optional, but if you enter your email address you will be able to return to edit your consultation response on Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

Q4. Which of the options below best describes you?

Please tick only one option. If multiple categories apply to you, please choose the one which best describes you and which you are representing in your response.

- Local authority**
- Local householder
- Waste management company
- Business representative organisation/trade body
- Product designer
- Manufacturer
- Distributor
- Retailer
- Operator
- Reprocessor
- Community group
- Charity or social enterprise
- Consultancy
- Academic or research
- Individual
- Other (please provide details)

Q5. If you are responding on behalf of an organisation, what is its name?

Brighton & Hove City Council

Proposal

To clarify in legislation when construction waste should be treated as DIY waste and should therefore be classified as household waste. We have set out in Appendix A the types of waste materials that might be included in DIY waste, however, this is a non-exhaustive list.

We consider DIY activities to include any construction work, such as building, decorating, or repairing activities, carried out by householders by themselves in their own homes. This would not include, for example, a whole house renovation, or any work done by a tradesperson, but it might include the householder tiling a kitchen, plumbing in a sink, plastering a room, building and installing shelving, building a raised bed for a garden etc.

The government's policy is clear that householders should not be charged to dispose of DIY waste at HWRCs. We propose that construction waste should be considered DIY Waste and classified as household waste in the 2012 Regulations when it meets certain criteria. We propose that these criteria are:

- The construction waste is produced by householders whilst carrying out construction works themselves at their home. Construction is defined in the 2012 Regulations as including improvement, repair or alteration.
- The construction waste is not produced as a result of commercial activities or by a commercial contractor charging for work in a domestic premises.
- The construction waste is of a volume, which is no greater than 300L (based on the approximate boot size of a family car).

- The construction waste is not produced on a regular basis requiring HWRC visits more frequently than once a week.

The proposed criteria are intended to allow householders to deposit DIY waste for free (as it should be treated as household waste) but for local authorities to still be able to charge for other construction waste, which is classified as industrial waste. For example, if a householder brought more than 300L of construction waste to the HWRC or brought 300L of construction waste to the HWRC on a regular basis, it would not be DIY waste and could be charged for. Equally, if a tradesperson brought any amount of construction waste, it would still be industrial waste.

Q6. Do you agree or disagree with these technical principles when the government amends the 2012 regulations?

- Agree
- Disagree**

If you answered 'Disagree' above, please give your reason.

- **DIY construction waste is not every day, household waste. It is waste produced on an irregular basis as part of renovation projects. It is not unreasonable for homeowners to factor in the costs of disposing of the waste produced from these projects when costing their project.**
- **Brighton & Hove's owner occupier rate is low at 53.3%, compared to 67.6% in the South East and the private rented sector increased by 45.7% between 2001 and 2011 with 28.0% of households now renting their home from a private landlord. Renters, who do not generally undertake renovation projects themselves, should not be subsidising a service they do not use.**
- **Charging encourages residents to think about other uses, including reduce and reuse, before disposing of their waste, contributing to our ambition to be carbon neutral by 2030.**
- **The WRAP report from 2021 concluded that there was no clear direct link between charging for this type of waste and an increase in fly-tipping.**
- **Income generated from this type of activity can be invested in other waste management and circular economy initiatives. If the government funded local government services sufficiently, there would not be a need to look at alternative means to deliver our services.**

Q7. Given the government's stated policy, do you agree or disagree with these tests on whether construction waste should be treated as DIY waste and classified as household waste, and should not be charged for when disposed of at a HWRC, when:

| | Agree – this should be included | Disagree – this should be excluded | Not sure / don't have an opinion / not applicable |
|--|--|---|--|
| The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home | <input type="checkbox"/> | Disagree | <input type="checkbox"/> |

| | | | |
|--|--------------------------|-----------------|--------------------------|
| The waste does not arise from activities that generate an income for the person who carried them out | <input type="checkbox"/> | Disagree | |
| The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week | <input type="checkbox"/> | Disagree | <input type="checkbox"/> |
| The volume of waste is no greater than 300L (based on the approximate boot size of a family car) | <input type="checkbox"/> | Disagree | <input type="checkbox"/> |

Q8: If you have disagreed with the inclusion of any of the above criteria, please state why, indicating which part of the criteria you are referring to in your response.

- **There is no indication of how the frequency of visits will be recorded and managed. Our sites have hundreds of visitors a day and any system to record this would require funding and staff to implement.**
- **Boot sizes vary in size and whilst a vague limit has been given, it is not clear how this will be assessed at the site. Staff will be required to make an educated guess and any disagreements may lead to conflict.**

Q9: Do you have any other views on the technical circumstances in which construction waste should be considered DIY waste and classified as household waste?

N/A

Call for evidence on booking systems at HWRCs

Government believes that it is important that local residents are able to dispose of their waste in a responsible and convenient manner. As we move away from restrictions caused by the pandemic, it is now important we move back to normality. There is increasing concern that in some cases booking systems are discouraging HWRC use, with a risk of both increased residual waste and fly-tipping as a result.

Our [Resources and Waste Strategy \(2018\)](#) commits to review HWRC guidance. The Environmental Protection Act 1990 requires Waste Disposal Authorities to provide HWRCs which are “available for the deposit of waste at all reasonable times”. This is potentially hard to reconcile with many booking systems, particularly those with a limited supply of appointments, or which seek to place additional burdens on local residents using them.

We are interested to understand the approach your authority intends to take in this respect, any rationale you have for maintaining the use of booking systems in place and any evidence you may have on the impacts on recycling levels in your area. We plan to review the number of booking systems which remain in place later in the year.

Q10: Do you currently have a HWRC booking system in place?

- Yes
 No

Q11: What type of booking system do you operate?

- Residents contact us to book a specific slot
 Residents use sites at certain times based on address, number plate, etc.
 Other (please specify)

N/A

Q12: Please outline the key reasons why you have a booking system in place.

N/A

Q13: Please outline the key reasons why you do not have a booking system in place.

- **Experience suggests the number of slots has to be capped, usually at a number below the standard throughput rate, to account for some residents having a significant amount of waste and therefore taking longer than average to use the sites. As a result, capacity is usually less for sites with a booking system, than those without.**
- **Restricting access may lead to an increase in fly-tipping of the range of materials that can be taken to sites**
- **Some bookings will result in no-shows, further reducing the waste deposited at the sites.**
- **If a site is popular, it may lead to increased complaints as a suitable time slot is unavailable.**
- **It excludes those who are unable to use technology to make a booking. A phone line will need to be staffed at an additional cost.**

Q14: What are your future plans for the booking system?

- Retain indefinitely
 Retain until some point in 2022
 Unsure
 In the process of removing
 Will remove by a certain date
 Other (please specify)

N/A

Q15: Please outline any evidence you have on the impacts of booking systems on recycling levels in your area.

N/A

Q16: Please outline what other restrictions, if any, you impose on residents bringing waste to your HWRC? For example, limits on size, or on vehicles type can use.

- **Van drivers must provide proof of a Brighton & Hove address with two forms of ID such as a driver's licence, recent utility or Council Tax bill**
- **If you've hired a van, you must show the rental agreement and the van will need to conform to size restrictions - you must also prove Brighton & Hove residency**
- **Vehicles with a gross vehicle weight of 3.5 kg or above are not allowed to enter the household waste recycling sites. This is for safety reasons.**

- Trailers up to 1.2m (4ft) can access Hove HWRS during normal opening hours.
- Trailers are not permitted at Brighton HWRS at any time.

Q17: Do you use measures such as ANPR or similar approaches at your HWRCs?

Traffic counting loops are in place to monitor usage.

On both issues, the government is of the view that there are no likely significant impacts of the proposals on those who may have protected characteristics under the Public Sector Equality Duty. Any changes will improve the provision of waste and recycling services to the general public.

Appendix A - Materials in scope

The materials listed in the table below are the kinds of materials that would be in scope for DIY waste and therefore, where the criteria for DIY waste has been met, should be accepted at HWRCs free of charge from households in the area.

| Waste types in scope | Products in scope |
|---------------------------------------|---|
| Plastic or fibreglass | Shower trays |
| | Bath – plastic |
| | Shower screen |
| | Guttering |
| | Drainage and sewer pipes |
| Other | Insulation material |
| | Roofing felt |
| | Carpet & linoleum |
| Rubble | |
| Bricks | |
| Hardcore | |
| Concrete | Breeze blocks |
| | Paving slabs |
| | Lintels |
| | Mortar and rendering |
| | Cement board |
| | Mixed or powder |
| Glass | Plate/sheet glass |
| | Shower screen |
| | Tiles |
| | Furniture shelving, table tops |
| Gravel | Construction or landscaping gravel or pebbles |
| Pottery, ceramic and porcelain | Bath |
| | Bidet |
| | Shower tray |
| | Sink or wash hand basin with pedestal |
| | Tiles (floor, wall) |
| | Toilet with cistern |
| Sand | Drainage and sewer pipes |
| | Sharp |
| | Play pit |
| Slate | Sandbags (used flood defence by householders) |
| Soil | Roof/slate |
| Stone | Soil and clay |
| | Flagstones |

| | |
|---------------------------------------|-----------------|
| Tarmac | |
| Turf | |
| Tile | Floor/wall/roof |
| Plaster and gypsum-based items | |