

**Decision Maker:** Environment Portfolio Holder

**Date:** For Pre-Decision Scrutiny by the Environment and Community Services Policy Development and Scrutiny Committee on Tuesday 23 January 2024

**Decision Type:** Non-Urgent Executive Key

**Title:** **DIY WASTE AT THE REUSE AND RECYCLING CENTRES-  
CHANGE IN LEGISLATION**

**Contact Officer:** Catherine Cooke, Head of Environment Strategy, Technical Support & Commissioning  
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**Chief Officer:** Director of Environment and Public Protection

**Ward:** All

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1. Reason for decision/report and options

- 1.1 This report details changes in legislation to prevent householders from being charged for the disposal of small scale DIY waste at Household Reuse and Recycling Centres (HRRCs).
- 1.2 The report provides information on the changes in legislation and steps the council is taking to accommodate and communicate this change to householders.
- 1.3 The report also sets out a recommendation to restrict certain vehicle types at the HRRCs in order to prevent commercial waste being disposed at the sites.
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2. **RECOMMENDATION(S)**

- 2.1 **Members of the Environment & Community Services Policy Development and Scrutiny Committee provide the Environment Portfolio Holder with comments for consideration.**
- 2.2 **The Environment Portfolio Holder is asked to:**  
**(i) review and acknowledge the changes in legislation and the change in practice at the two HRRCs in Bromley**  
**(ii) agree to the changes proposed at the HRRCs and to restrict site users in using certain vehicle types from 1 March 2024.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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### Transformation Policy

1. Policy Status: Existing Policy Further Details
  2. Making Bromley Even Better Priority
    - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
    - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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### Financial

1. Cost of proposal: No Cost: Further Details
  2. Ongoing costs: Recurring Cost, within existing budgets
  3. Budget head/performance centre: Waste Services
  4. Total current budget for this head: £27M
  5. Source of funding: Existing revenue budget
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### Personnel

1. Number of staff (*current and additional*): No impact
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not Applicable: Further Details
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### Procurement

1. Summary of Procurement Implications: N/A
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### Property

1. Summary of Property Implications: N/A
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### Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: N/A
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### Impact on the Local Economy

1. Summary of Local Economy Implications: N/A
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### Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: N/A
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### Customer Impact

1. Estimated number of users or customers (*current and projected*): All Reuse and Recycling Centre users, potentially all households (circa 145,000)
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Background

- 3.1 On 18 June 2023, the government announced that it was abolishing charges for DIY waste at local authority managed Household Reuse and Recycling Centres (HRRC). It has been a long-held position by the government that small amounts of DIY waste generated by householders should be allowed to be disposed free of charge at HRRCs.
- 3.2 HRRCs are for householders to dispose of household waste free of charge in their local area. However, in the Controlled Waste (England and Wales) regulations 2012, “*waste from construction or demolition works, including preparatory works*” is classified as industrial waste. As a result, some local authorities have interpreted this as including waste from DIY works a householder might undertake to maintain and enhance their property and therefore charge for or restrict the disposal of this waste at their HRRC.
- 3.3 The announcement, in June 2023, stated that construction-type waste is to be treated as household waste, and cannot be charged for, if it meets four descriptors (paragraph 3.10).
- 3.4 It was anticipated that this change in legislation would come into effect in autumn 2023, but no exact timelines were provided.
- 3.5 On 22 November 2023, the Statutory Instrument was signed in Parliament and for the change in law to come into effect from 31 December 2023.
- 3.6 Bromley currently levies a charge for the disposal of soil, brick, rubble, DIY and construction waste at its two HRRCs. The charge is £185/tonne with a minimum charge of £23. There is no restriction on the amount of waste that can be deposited at any one time or the frequency of visits. However, should the HRRC staff suspect the waste is from commercial activity they can refuse entry and/or request that the user signs a disclaimer to state that the waste is household.
- 3.7 During 2022/23, 325 tonnes of waste deposited at the HRRCs was classified as chargeable household waste. This resulted in charges totalling circa £62,000.
- 3.8 The waste at the HRRCs is handled by the Council’s service provider, Veolia, through the Environmental Services contracts and different waste streams attract different prices. It is therefore difficult to determine the exact cost paid by LBB for the management of this waste. The maximum cost, for the tonnage during 2022/23, is estimated to be £53,000.

#### Legal Commentary

- 3.9 The Statutory Instrument made an amendment to Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012.
- 3.10 The amendment is as follows (extract):  
*Waste from construction or demolition works, including preparatory works, is to be treated as household waste where:*
- (i) the waste is produced at a domestic property by occupiers of that domestic property carrying out their own construction or demolition works, including preparatory works;*
  - (ii) the waste is not from construction or demolition works, including preparatory works, for which payment has been or is to be made;*
  - (iii) the amount of waste delivered to any waste disposal site in a single visit is either—*
    - (a) less than 100 litres and capable of being fitted into two 50 litre bags, or*
    - (b) a single article of waste no larger than 2000mm x 750mm x 700mm in size; and*

*(iv) the waste delivered to waste deposit sites does not exceed four single visits per household in any four week period.*

3.11 Where waste does not meet the criteria set out in paragraph 3.10, i.e. additional visits made with DIY waste, amounts of waste exceeded, a charge may be made.

### **Commercial Waste**

3.12 The HRRCs are for the disposal of waste produced from householders only.

3.13 Any waste that comes from a commercial activity is business waste and it is the responsibility of the business owner to ensure it is safely and legally disposed of. It is an offence for commercial waste to be disposed of at an HRRC. Provision for the disposal of commercial waste is provided at Churchfields Road Depot.

3.14 Vans, pickups and trailers are more likely to be associated with trade and business activities and thus restricting or banning certain vehicles would prevent abuse from traders who are portraying themselves as a householder to avoid paying for the disposal of commercial waste.

3.15 The use of vans is increasingly causing an issue at the HRRCs with a number of recent incidents, most involving abuse to the service provider's staff where they are disallowed.

3.16 In order to prevent such occurrences, it is recommended that restrictions on certain vehicle types are put in place at the two HRRCs to prevent abuse from traders and mitigate the amount of commercial waste being disposed of and ensure the Council receives the appropriate income.

3.17 The constraints will include: restricting vans, banning commercial liveried vehicles and installing height barriers to prevent these vehicle types from entering the site. Domestic hire vehicles and vans will be permitted if a disclaimer is signed and proof of hire provided.

3.18 There are already rules and checks in place at the HRRC's. However, the addition of such things as the installation of a height barrier and updating the website is to formalise the rules and arrangements and to assist site staff to regulate incorrect usage.

3.19 A copy of the updated draft rules and information for the HRRCs can be found in Appendix 1. This details the types of vehicles that it is recommended are restricted.

3.20 A recording process will be implemented to continue to allow access to householders if their only vehicle type is a restricted type vehicle.

### **Implementing the Changes**

3.21 From January 2024 users bringing in DIY waste will need to complete and sign a form. The form will record the householder detail (name, address) and the type and amount (sack/item) of waste being disposed of. The information collected will be monitored and reviewed to identify any regular users which would suggest that they are a trader or a householder carrying out more large scale renovation work.

3.22 Veolia's site staff already check, upon entry, what waste type residents are bringing in and direct to the weighbridge when appropriate and will continue to do so should a householder bring in excess DIY waste where payment will be requested. They will continue to refuse entry should they suspect the waste is from commercial activity, or direct to Churchfields Depot where trade waste will be accepted.

- 3.23 Staff will be instructed to use their discretion before directing residents to the weighbridge, e.g. if a resident comes in with 5 x 25 litre bags, or equivalent, this would *not* be regarded as excessive.
- 3.24 All staff onsite have been briefed and made aware of the changes to be able to advise residents accordingly.
- 3.25 The website has been updated with information and guidance regarding the proposed changes.
- 3.26 With regards to restricting certain vehicle types, it is proposed that these measures are implemented from 1 March 2024. This will ensure a communications campaign can be delivered in a timely manner and provide users of the sites with advance notification of the changes.

### **Appraisal**

- 3.27 Further monitoring and checking procedures at the HRRCs will be considered following a review of the information collected and feedback from on-site staff. This will be carried out after 6 months at the beginning of July 2024, and regular meetings with Veolia have been scheduled in.
- 3.28 Tonnages disposed of at the HRRCs will be monitored throughout the period as well to determine any impact the changes have made to the amount of waste being disposed of and subsequent income/charges.
- 3.29 Arrangements for implementing a booking system to manage the frequency of visitors and lessen the impact of queuing vehicles as a consequence of implementing the changes has been reviewed. However, officers can advise we would not be able to implement one at this time without understanding the current situation and volumes and types of DIY waste being brought in.
- 3.30 Incidents of fly tipped waste will be monitored and reviewed to determine if there is any correlation with the new DIY waste rules and the restriction on vehicle types. Reference will be made to any change in behaviour with the Annual Fly Tipping Update Report in September 2024.

## **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

N/A

## **5. TRANSFORMATION/POLICY IMPLICATIONS**

- 5.1 The change in legislation has no direct transformation or policy implications.
- 5.2 In providing two HRRC's the council continues to support residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
- 5.3 The "Making Bromley Even Better" Objective 5 refers to the Council's intention to provide efficient and effective services and value for money to our residents. The restriction on certain vehicle types will deter traders and thus ensure they pay for and dispose of their waste responsibly.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 Bromley currently levies a charge for the disposal of soil, brick, rubble, DIY and construction waste at its two HRRCs. The charge is £185/tonne with a minimum charge of £23.
- 6.2 During 2022/23, 325 tonnes of waste deposited at the HRRCs was classified as chargeable household waste. This resulted in charges totalling circa £62,000.
- 6.3 The waste at the HRRCs is handled by Veolia through the Environmental Services contracts and different waste streams attract different prices. It is therefore difficult to determine the exact cost paid by LBB for the management of this waste and the impact this change in legislation and practice will have on the tonnages, costs and budget. The maximum cost, for the tonnage during 2022/23, is estimated to be £53,000.
- 6.4 At this stage, we are unable to forecast the impact this change in legislation and practice will have on the tonnages, costs and budgets. There is a potential for a small reduction in income and the budget will continue to be monitored each month with the impact recorded at the Veolia Annual Contract Performance Report in September 2024.

## **7. PERSONNEL IMPLICATIONS**

N/A

## **8. LEGAL IMPLICATIONS**

- 8.1 The Statutory Instrument to make an amendment to the Controlled Waste (England and Wales) regulations 2012 was laid before Parliament in November 2023 and is due to come into force 31 December 2023.
- 8.2 The amendment means that construction-type waste is to be treated as household waste, and cannot be charged for, if it meets four descriptors (para 3.10).

## **9. PROCUREMENT IMPLICATIONS**

N/A

## **10. PROPERTY IMPLICATIONS**

N/A

## **11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS**

N/A

## **12. IMPACT ON THE LOCAL ECONOMY**

N/A

## **13. IMPACT ON HEALTH AND WELLBEING**

N/A

## 14. CUSTOMER IMPACT

14.1 The changes will have a very small impact on local people and communities.

14.2 The new legislation to allow householders to dispose of a small amount of DIY waste for free is a positive impact to residents.

14.3 HRRC's are for local residents to use to dispose of household waste only. Restricting certain vehicle types is to help onsite staff police usage and prevent incorrect use of the site from traders.

## 15. WARD COUNCILLOR VIEWS

N/A

<b>Non-Applicable Headings:</b>	[List any of headings 4 to 15 that do not apply.] 4. Impact on Vulnerable Adults and Children 7. Personnel Implications 9. Procurement Implications 10. Property Implications 11. Carbon Reduction/Social Value Implications 12. Impact on the Local Economy 13. Impact on Health and Wellbeing 15. Ward Councillor Views
Background Documents: (Access via Contact Officer)	[List any documents used in preparation of this report - Title of document and date]