

TO: JOINT WASTE DISPOSAL BOARD
15th JULY 2016

WASTE ACCEPTANCE PROTOCOL REPORT
Report of the re3 Strategic Waste Manager

1 INTRODUCTION

- 1.1 The purpose of this report is to update the existing re3 Waste Acceptance Policy so that it reflects the requirements for the re3 Councils under prevailing conditions.

2 RECOMMENDATION

- 2.1 **That Members adopt the new Waste Acceptance Protocol for the re3 Recycling Centres.**
- 2.2 **That Members agree that the new Waste Acceptance Protocol will come into force on 30th September 2016.**
- 2.3 **That Members agree to review the Waste Acceptance Protocol as described at 5.17 and 5.18.**

3 ALTERNATIVE OPTIONS CONSIDERED

- 3.1 No alternative for the requirement for a Waste Acceptance Protocol has been considered. Such a policy is an important point of reference for re3 residents and the re3 Councils. It represents a clear statement, on behalf of the re3 Councils, on the service offered to re3 residents.

4 REASONS FOR RECOMMENDATION

- 4.1 The recommendations seek to establish a new Waste Acceptance Protocol and a schedule for its review.

5 BACKGROUND INFORMATION

Background

- 5.1 The re3 strategy, which is in the process of being adopted by the individual councils, identifies a reduction in the net cost of waste services as a key strategic objective for the re3 Councils.
- 5.2 The Councils agreed the prevailing Waste Acceptance Protocol in 2009. The update to that policy, proposed within this report, is intended to support the need for significant reductions to the net cost of council waste services.
- 5.3 The reduction in the net cost of waste services is a priority for the re3 Councils in order that financial resources can be redirected to other frontline council services.
- 5.4 The re3 Councils had a reciprocal agreement with West Berkshire Council that resulted in a payment to re3 for the use of its Recycling Centres by residents of West Berkshire. On March 24th 2016, and prompted by financial pressures, West Berkshire Council decided to cease making the payment to re3.
- 5.5 The decision by West Berkshire presented the re3 Partnership with two options:

- i. Either re3 had to bear the cost of waste delivered to by non-residents;
- ii. Or, take steps to prevent waste being delivered by non-residents.

It is assessed that the former option would have increased the net cost of waste services. The latter option is assessed as offering a reduction in the net cost of waste and as such is supportive of one of the key objectives of the re3 Strategy.

- 5.6 On May 17th 2016, the re3 partnership announced that it would take steps to facilitate access to the re3 Recycling Centres for re3 residents only.
- 5.7 Accompanying that step, the re3 Partnership also announced some other changes which include measures to manage access to the Recycling Centres by commercial and commercial-type vehicles and establishing charges for specific types of waste.
- 5.8 While representing change, these proposals maintain the delivery of the statutory obligations placed upon the re3 Councils.
- 5.9 It is important to recognise that the generous opening hours of the re3 Recycling Centres are not currently under review (as they have been elsewhere) and that, within the sites themselves, re3 residents will continue to be offered a high level of service.

Waste Acceptance Protocol

- 5.10 The re3 Waste Acceptance Protocol represents a clear guide for access to the services that are offered at the re3 Recycling Centres. The adoption of such a policy is considered good practice.
- 5.11 The three principal changes are as previously described and, in developing the Protocol, officers have had regard to policies already successfully operated by other waste disposal authorities (i.e. County or Unitary Councils).
- 5.12 The proposed Waste Acceptance Protocol is appended to this report.
- 5.13 The Protocol describes the conditions of access for re3 residents. The re3 Partnership has been careful to take steps which facilitate access for existing re3 residents. A permit has been sent to the 183,000 households known to the re3 Councils. Details have been widely circulated describing the reasoning for the provision of permits and also the alternative forms of identification that may be used in the event that no permit is visible. Accordingly, the Protocol describes that where residency cannot be established by a visitor to the Recycling Centres, there will be a presumption that the visitor is a non-resident and access to the Recycling Centre will be denied until proof of residency can be provided.
- 5.14 The Protocol describes the steps being taken by the re3 Partnership to support the provision of the re3 Recycling Centres for the deposit of Household Waste only. The permit scheme for commercial and commercial type vehicles will require re3 residents to pre-book their visit, online, and confirm that the waste they will deliver is Household Waste from their own home. The Protocol provides some information for re3 residents to clarify what Household Waste is in a legal sense.
- 5.15 The Protocol describes the steps being taken by the re3 Partnership to maintain free delivery for Household Waste at the Recycling Centres and to establish charges for some specific waste types. The new charges are for those waste types which, though delivered by householders, local authorities are not obliged to receive free of

charge at the Recycling Centre.

- 5.16 The Protocol also describes the online process by which residents can apply for permits and check for information on the Recycling Centres.
- 5.17 It is proposed that the Waste Acceptance Protocol be kept under review by the re3 Joint Waste Disposal Board. That will ensure that it can be kept up to date as a guide for residents and a clear statement of policy by the re3 Partnership.
- 5.18 Where a change to the Protocol is deemed necessary or helpful, it should be proposed to the re3 Joint Waste Disposal Board and a decision taken.
- 5.19 Subject to its approval, the Waste Acceptance Protocol and its contents will be incorporated in communications to advertise and explain the changes.

6 ADVICE RECEIVED FROM ADMINISTERING AUTHORITY

Head of Legal Services

- 6.1.1 Specific legal advice received in the preparation of the changes to the Recycling Centres, and summarised here, confirms that the re3 Partnership is entitled to deny access to its Household Waste Recycling Centres to visitors from outside the re3 Partnership area.
- 6.1.2 Section 51 of the Environmental Protection Act 1990 (“EPA”) provides that a waste disposal authority must arrange for “places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”. There is no obligation to accept non-household waste and the steps proposed (relating to commercial and commercial-type vehicles) represent a reasonable means of seeking to manage the potential for commercial (trade) waste to be deposited as if it were household waste.
- 6.1.3 There is an existing re3 policy which restricts access to double axle trailers and vehicles over 3.5 tonnes. Health and safety concerns, related to the safe manoeuvrability of those larger vehicles within the confined area of the Household Waste Recycling Centres, are valid reasons for such restrictions.
- 6.1.4 The re3 Partnership is entitled to charge for all quantities of what is termed ‘construction and demolition’ waste. This category includes rubble and hardcore, plasterboard and asbestos. Soil can also be charged for though councils elsewhere have tended not to charge for small amounts (such as that still clinging to a plant or shrub). Gas bottles may not be ‘Waste’ at all depending on their ownership and a charge can be made to cover the costs of returning them to their owner (i.e. the company named on the gas bottle).
- 6.1.5 In the Controlled Waste (England and Wales) Regulations 2012 (section 1, Schedule 3) deals with waste to be treated as household waste, commercial waste or industrial waste. Within this category is waste from construction (including repair) or demolition works including preparatory works.

Corporate Finance Business Partner

- 6.2.1 The changes at re3 Recycling Centres are intended to support reductions in the net cost of waste to the re3 Councils (and thus Council Tax payers).

- 6.2.2 It has been estimated that by denying access to non-re3 residents a full-year saving of £835,000 is achievable. This takes into account the decision by West Berkshire Council to bring to an end the reciprocal arrangement with the re3 Partnership (estimated at £506,000 for the current year).
- 6.2.3 The charges for 'DIY' waste, as shown in the Protocol, have been set at a rate which covers only the cost of the specific service to the re3 Councils.
- 6.2.4 Officers have sought specific professional advice on the application of VAT to the charges proposed within the Protocol. Unfortunately, the advice received thus far fails to provide a clear position for the re3 Partnership. Accordingly, the Protocol appended to this report includes charges both with and without VAT applied. Once a final position is agreed (both in terms of the tax advice and with the respective Accountants at the re3 Councils) the correspondingly correct value shown in each category will be retained while the incorrect value will be removed. This final table will be the one used in communications and correspondence thereafter and until it is reviewed as described at 5.18.

Equalities Impact Assessment

- 6.3 The Assessment for the changes at the re3 Recycling Centres is appended to this report.

Strategic Risk Management Issues

- 6.4 None.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Not applicable.

Method of Consultation

Not applicable.

Representations Received

- 7.3 Not applicable.

Background Papers

re3 Progress Report October 2015

Contacts for further information

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