



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**14 March 2024**

**Report of the Executive Director - Place**

**Operation and Management of Household Waste Recycling Centres –  
Consultation Outcomes**

(Cabinet Member Infrastructure and Environment)

**1. Divisions Affected**

1.1 County-wide.

**2. Key Decision**

2.1 This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

**3. Purpose**

3.1 To ask that Cabinet:

- a) Notes the results of public consultation in relation to the Operation and Management of Household Waste Recycling Centres (HWRC).
- b) Notes the analysis of those results summarised in this report and detailed in Appendix 2.
- c) Approves the adoption of revised opening hours for eight HWRCs to 9.30am – 5.00pm, seven days a week.
- d) Approves the implementation of a charge for the deposit of asbestos and car tyres to cover the direct cost of their disposal.

- e) Approves setting the charge for tyres at £4.00 per tyre and the charge for asbestos at £6.00 per sheet (or equivalent volume).
- f) Approves the development of a pilot project at two HWRCs (Bolsover and Ashbourne) to trial a paid for service for the acceptance of small quantities of trade waste from registered small businesses and sole traders in Derbyshire, as set out in this report.
- g) Defers adopting the Government's definition for DIY waste at this time pending the analysis of site usage data from ANPR.

#### **4. Information and Analysis**

4.1 On 27 July 2023, the "Operation and Management of Household Waste Recycling Centres" report was presented to Cabinet on the future Operation and Management of Household Waste Recycling Centres in Derbyshire (Minute No. 118/23 refers).

4.2 The decisions approved by Cabinet were:

- a) Approval to spend up to £0.020m from the current Resources and Waste reserve and up to £0.180m from an existing waste capital project (subject to approval of the next quarterly capital monitoring report) to install Automatic Number Plate Recognition ("ANPR") systems, back-office integrations and customer facing web portal and the addition of this project to the 2022-23 Capital Programme.
- b) Approval to conduct a public consultation in relation to the implementation of the existing budget saving and budget saving options put forward as part of the 2023-24 budget setting process. Namely, charging for usage of HWRCs by non-residents, limiting the materials accepted on-site, reducing the opening hours of HWRCs.

4.3 Following consultation with the contractor responsible for the operation and management of eight of the County's nine HWRCs, an order has been placed to commence the installation of ANPR camera technology at the following sites:

- Ashbourne
- Bolsover
- Bretby
- Chesterfield
- Glossop
- Ilkeston
- Loscoe
- Northwood (Darley Dale)

- 4.4 Discussions with the operator of the remaining site at Buxton will be advanced in Q1 2024-25, subject to the outcome of a broader contract review process.
- 4.5 The operation of ANPR technology will initially be limited to capturing and analysing patterns of usage in order to support the development of practical and proportionate measures to restrict access to Derbyshire residents only.
- 4.6 In parallel and in accordance with decision of Cabinet on 27 July 2023, the Resources and Waste Service undertook a 12-week public consultation exercise, the outcomes of which are the main focus of this report.
- 4.7 As set out in the 27 July 2023 Cabinet report, the consultation sought public input on the following broad topics:
- a) Identification of any adverse impacts of the proposed ANPR system or possible barriers to use by any group or subset of residents, as well as possible mitigations to ensure equality of access to services.
  - b) Views of residents on allowing small businesses and sole traders access to a charged-for waste disposal service at a limited number of HWRC sites.
  - c) Identification of demand for a charged-for service for disposing of asbestos and/or tyres (as opposed to strict prohibition).
  - d) Identification of preferences among residents for which hours/days HWRC operations should be reduced. Residents will be asked to express a preference from a range of options consistent with the budget saving currently under consideration.
  - e) Views on whether residents would prefer alternative means of achieving the same broad quantum of financial savings.
  - f) Views on the central Government definition of household waste in relation to waste from DIY projects, and its possible application in Derbyshire.

#### **Consultation Response and Analysis**

- 4.8 The consultation opened on Monday 2 October 2023 and ran for 12 weeks ending 24 December 2023. The Council received a total of 2,876 responses from Derbyshire residents (98%), business (1.5%) and visitors (0.5%).

#### 4.9 Key insights from the consultation show:

- 75% of residents agreed that HWRCs should be for the sole use of Derbyshire County Council residents and for household waste only, not business/commercial waste.
- However, 83% of residents, and 80% of businesses, agreed that businesses should be able to use HWRCs for a charge. Concerns were raised about the possibility that allowing traders access to sites may cause congestion or delays for residents wanting to access the same facilities.
- 78% said they would prefer to reduce opening hours and keep the centres open seven days a week, rather than maintain the hours over five days.
- Weekends accounted for 44% of residents' trips made to HWRCs, whilst mornings (59%) were narrowly preferred to afternoons (41%). However, opinion was split on whether HWRCs should be open from 09:30 – 17:00 or 10:30 – 18:00, with both options receiving 38% of responses.
- 70% of residents agreed with the Government's definition of DIY waste that would allow a limited amount of household construction waste to be disposed of for free. However, many felt that the limits were too small and would require more trips, with a negative impact on the environment from the increased car trips.
- Around two thirds of respondents (66%) would like to see HWRCs continue to accept tyres without charge, as they do now, however, if changes were to be made, 90% of respondents would prefer a small charge to the sites not accepting these materials at all.
- A similar proportion (69%) of respondents would like to see HWRCs continue to accept asbestos, as they do now, with around 94% agreeing that a small charge would be preferable to not accepting these materials at all.

4.10 As set out in the 27 July 2023 Cabinet report, it is proposed that a vehicle registration process be set up to help ensure the facilities are for the sole use of Derbyshire residents. Once a vehicle is registered, residents would be granted access to all sites via the ANPR system.

4.11 The consultation sought residents' views on what, if any, barriers may exist to using an online vehicle registration process. Despite 85% of respondents saying they would have no problems registering their vehicle online, there is still a significant number of Derbyshire residents who either do not have reliable access to the internet, or who would prefer another method of registration. This issue of digital exclusion will

need to be addressed as part of the detailed system design to ensure fair access for everyone in Derbyshire.

- 4.12 It is likely that a small but significant proportion of Derbyshire residents will require support to register their vehicle. This may include the option to call the Council and be guided through the registration process by a Council Officer. Of the survey responses received, 4.1% were submitted as paper copies.
- 4.13 Additional concerns in relation to the implementation of a vehicle registration process were raised including:
- registration of multiple cars at one address;
  - ensuring registration details are only used for the purpose of controlling access to HWRCs;
  - the ability to register hire cars or other vehicles that are registered with the DVLA at addresses outside of the County area; and
  - ensuring residents who either do not have reliable internet access or who may struggle with using online forms are not excluded.
- 4.14 The feedback of residents has provided valuable insight into the practical considerations relevant to the design and roll out of any registration process. Detailed mitigation proposals for the concerns raised will be produced as part of developing the registration process, including making appropriate arrangements for alternatives to online registration.

#### **Proposal for Hours/Days of Operation**

- 4.15 The 27 July 2023 Cabinet report set out the need for additional cost reductions in the region of £370,000 from the Resources and Waste budget in order to mitigate future years' savings that can no longer be delivered as originally intended. The report identified a possible £261,000 contribution to these annual savings which could be delivered by either reducing opening hours or days at the County's HWRCs.
- 4.16 Summary of responses to proposals to change the hours/days of operation are:
- A significant majority (78%) would prefer to reduce daily opening hours in order to keep all facilities open seven days a week.
  - Just over half (53%) of respondents would prefer consistent hours were maintained 52 weeks of the year rather than introduce seasonal variation.

- The most popular visiting hours were during the working day as opposed to early morning or early evening and weekends were more popular than weekdays.
- Residents were evenly split (38% and 38%) on whether they would prefer the opening hours to be 9.30am – 5.00pm or 10:30am – 6.00pm. Only a quarter preferred the option of 8.30am – 4.00pm opening times.

4.17 Based on the feedback received, it is proposed that HWRC opening times for eight HWRCs be reduced to 7.5 hours per day (9.30am – 5.00pm), seven days per week and that these hours be maintained across the whole year.

4.18 Opening hours for the Waterswallows HWRC at Buxton would be maintained at their current level.

### **Proposal for Non-Acceptance/Charging for Tyres and Asbestos**

4.19 The 27 July 2023 Cabinet report identified £69,000 per annum could be saved by either ending the current policy of accepting tyres and asbestos at the County's HWRCs or charging residents who deposit these materials a fee equal to the cost of its disposal.

4.20 Summary of responses to proposals for non-acceptance/charging for tyres and asbestos are:

- As set out at Paragraph 0 above, 66% do not support changes in relation to the acceptance of tyres and 69% do not support changes in relation to the acceptance of asbestos.
- When asked to choose between not being able to take these materials to HWRCs or being asked to pay a small charge to do so, participants overwhelmingly preferred the option to pay (90% and 94% for tyres and asbestos respectively).
- Written responses identify concerns among those who would prefer no change be made, that restrictions on the acceptance of asbestos and/or tyres might lead to an increase in fly-tipping.
- Views among those opposing the acceptance of these materials included health and safety concerns for the staff on site in relation to the handling of asbestos, concerns about the acceptance of materials that cannot be easily recycled, and opposition to public funds being used to pay for services that ought to be provided by contractors or tyre fitters.

4.21 It should be noted that some respondents expressed concern in their written responses that indicating a preference to pay would be taken as an indication of support for the change when their actual preference is

that no change be made at all. No such inference has been made. For the avoidance of doubt, the preference to maintain the status quo is captured in the figures of 66% and 69% (tyres and asbestos respectively) at Paragraph 0 above.

- 4.22 As set out in the Cabinet report of 27 July 2023, evidence compiled by the Waste Resource Action Programme (WRAP) published in June 2021 shows no evidence of a link between local authorities that have introduced charges and an increase in fly-tipping in their administrative areas. This evidence suggests that where a charge is applied (as opposed to a strict prohibition) there is little if any impact on fly-tipping.
- 4.23 Taking into account the need to make savings, the views expressed by residents alongside other available evidence it proposed that a small charge of £4 per tyre and £6 per sheet of asbestos (or equivalent volume) be introduced.
- 4.24 These prices will be subject in future to the County Council's annual pricing review mechanism which applies to all fees and charges applied by the County Council.

#### **Proposals for Charging Local Small Businesses to use HWRCs**

- 4.25 The 27 July 2023 Cabinet report identified the introduction of a 'small traders scheme' as a possible mitigation to the risk of an increase in fly-tipping arising from the use of ANPR as an enforcement tool. It also identified a possible £40,000 per annum saving that such a scheme might achieve.
- 4.26 At present, the County's HWRCs do not accept waste from traders and is under no obligation to do so, but it is recognised that local small traders seeking to dispose of small quantities of material may encounter difficulties finding appropriate outlets.
- 4.27 Summary of responses on proposals to charge local small businesses to use HWRCs:
- There is broad support for this in principle with 83% of residents indicating support for a small traders' scheme.
  - This support was, however, caveated by concern that this should not be at the expense of residents' ability to use the sites without additional delays or congestion.
  - A small but significant percentage (9.6%) did not believe trade waste should be accepted under any circumstance, while a similar proportion (9.9%) believed that Derbyshire's businesses should be

given entirely free access as a means of direct support to local businesses.

4.28 Business responses to the consultation indicate that:

- There is support for the scheme with 80% of business respondents supporting a charged for scheme.
- 95% of businesses who responded said they would make some use of a scheme if it was made available.
- The most popular sites for businesses based on their responses were Ilkeston, Loscoe and Northwood (Darley Dale).

4.29 Additional information on the volumes and types of waste businesses expect to generate is included in Appendix 2, as is detail on the size and types of businesses that participated.

4.30 It is important to note that a total of 40 businesses responded which is a relatively small sample size compared to the estimated number of Derbyshire businesses with fewer than 10 employees - 26,890. Care should be taken when considering these responses as they may not give an accurate representation of the views of the wider business community.

4.31 In addition to seeking the views of residents and local businesses, the service has engaged in dialogue with the operator responsible for eight of the nine HWRC facilities in the County. The contractor HW Martin operates a large number of facilities on behalf of local authorities and has experience of operating similar small traders' schemes. Their experience highlights the following factors as being of particular importance when designing and implementing schemes of this type:

- Separating trade for domestic use: Trade waste is classified separately from domestic waste for reporting and compliance purposes. The need to accurately record deposits and take payment mean it is important to be able to segregate trade deliveries from domestic inputs. This would also aid with managing traffic flow through the site.
- Monitoring: Whilst schemes exist that are based on approximations of volume (e.g. pay per load) these are inherently inaccurate and prone to error in the allocation of cost. It is preferable to weigh the material that is delivered by traders to ensure all costs are accounted for and site inputs are properly recorded. This means the use of weighbridges to weigh trade vehicles in and out of the facility.
- Physical space: Full segregation of waste deliveries into sites and accommodating a weighbridge requires additional physical space. It



is therefore unlikely to be viable at smaller sites or at sites where the layout does not permit these modifications.

- Local demand: In addition to selecting sites that have adequate space to accommodate a trader waste scheme, it is also important that they be situated as close as possible to areas of high demand. Additional operating costs and the fixed costs of weighbridge installation mean a high volume of scheme uptake is needed for the scheme to be economic.
- Price: Care is needed when setting a pricing structure including consideration of banding for different waste volumes. If set too low, prices can inadvertently distort local markets for waste disposal and divert material out of existing private sector provision. This can lead to waste being brought into the administrative area from further afield than originally intended. Conversely, excessively high prices can reduce uptake to levels below those needed for the scheme to be economically sustainable.

4.32 Taking into account these considerations, it is very unlikely that the sites preferred by business respondents (Ilkeston, Loscoe and Northwood (Darley Dale)) would be suitable locations for a small traders' scheme.

4.33 Again, it is important to note that only 40 businesses provided responses to the consultation, and it is therefore difficult to provide an accurate estimate of the level of demand for this provision or to forecast realistic levels of uptake.

4.34 Given the risk of unintended consequences, it is proposed that more information be gathered by running a pilot project before bringing forward proposals for a long-term change.

4.35 Two sites have been identified as being potentially suitable for the operation of a small traders' scheme based on the available space and site layout. These are Bolsover and Ashbourne.

4.36 In order to maximise the value of a trial in producing reliable evidence to support longer term decision-making while minimising the risk of adverse impacts on residents, it is proposed that both sites are made available to registered Derbyshire traders from 8.30am to 9.30am and from 5.00pm to 6.00pm Monday to Friday.

4.37 Further details of the proposed trial scheme will be prepared and presented to Cabinet for approval at the earliest available opportunity.

## **Proposals for Adopting Central Government Definition of DIY Waste**

- 4.38 Following completion of a consultation, the Government has now confirmed its intention to classify some construction waste as household waste in the Controlled Waste Regulations 2012 when the following criteria are met:
- 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 domestic premises.
  - The construction waste is of a volume, up to two 50L rubble bags (or one bulky or fitted item no larger than 2,000mm by 750mm by 700mm, the approximate size of a bathtub or shower screen).
  - The construction waste is not produced at a frequency greater than 4 visits per household over a 4-week period.
- 4.39 These criteria are intended to allow householders to deposit DIY waste for free (as it would be treated as household waste) but for local authorities to still be able to charge or refuse access for other construction waste, which is classified as industrial waste. For example, if a householder brought more than two rubble sacks of construction waste to the HWRC or brought 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.
- 4.40 The Council does not currently apply charges to any DIY waste material but does apply restrictions on the quantity of different types of common DIY waste products.
- 4.41 In the consultation, participants were asked for views on the Government's proposed definition and the application of these principles locally in Derbyshire.
- 4.42 Summary of responses to proposals for adopting the Government definition of DIY waste:
- A significant majority (75%) of respondents agreed with the Government's proposed definition of DIY waste while 11% disagreed.

- Notwithstanding the headline figure, residents did raise concerns about the proposal, particularly with regard to the volume and frequency restrictions.

4.43 In the 27 July 2023 Cabinet report, no assumptions were made about the value of savings, if any, that adoption of the Government's definition of DIY waste would yield. The Council does not, at present, charge for any of the materials that would fall into the scope of this proposal and there is no proposal to change this policy.

4.44 It is therefore not critical from a financial perspective to implement a policy change at this time. It is proposed that development of a new policy position would be better informed following the analysis of site usage data from the new ANPR system.

## 5. Consultation

5.1 From 2 October 2023, Derbyshire County Council ran a 12-week public consultation on proposed changes to the HWRCs in Derbyshire. The consultation sought views on a number of cost-saving options, to enable the Council to reduce Derbyshire's waste management costs. The consultation was an opportunity for stakeholders in Derbyshire to provide feedback on some of the Council's proposals and to help form a strategic approach to managing the HWRCs.

5.2 This included whether to restrict or charge for tyres and asbestos; reduce opening days or times; as well as whether businesses should be able to use the HWRCs and if so how. Businesses were also invited to complete specific sections within the survey, to gain a better insight into their waste management habits and whether a small charge would affect their use of the HWRCs.

## 6. Alternative Options Considered

6.1 **Do nothing – Do not implement any of the changes set out in this report:** The budget strategy for 2023-24 onwards is predicated on the delivery of £0.458m of savings, increasing to £0.560m in 2024-25. Delivering these savings requires the implementation of the proposals set out in this report, or the adoption of alternatives which have previously been discounted. Doing nothing is therefore not considered to be a viable option and is not recommended.

6.2 **Maintain the current opening hours but reduce the number of operational days to five:** A similar quantum of financial savings could be achieved through a reduction in the number of days each site

operates. As set out in the body of this report, consultation feedback suggests a strong preference among residents to maintain a full seven day coverage. Given there is limited difference in the savings that could be achieved by reducing the number of days, this option is not recommended.

**6.3 Introduce seasonal opening hours:** Consultation feedback suggests a clear but not decisive preference among respondents to keep a consistent pattern of opening across the year rather than introduce seasonal variation.

**6.3.1** There are practical issues with the adoption of seasonal hours in terms of managing rotas for site staff and annualising pay. Seasonal hours are also likely to introduce an addition cost to publicise changes to opening hours as they increase or decrease at different points in the year. Therefore, in the absence of any strong desire to introduce seasonal opening hours and with no additional financial benefit of doing so, this option is not recommended.

**6.4 No longer accept tyres at HWRCs:** Whilst residents expressed a clear preference to maintain the status quo, given the choice between a small charge and the sites no longer accepting tyres, there was an overwhelming preference to introduce a charge. The available evidence from WRAP strongly indicates that charged for schemes do not adversely impact rates of local fly-tipping which was the single most frequently cited concern by residents in relation to these proposals. For these reasons this option is not recommended.

**6.5 No longer accept asbestos at HWRCs:** Whilst residents expressed a clear preference to maintain the status quo, given the choice between a small charge and the sites no longer accepting asbestos, there was an overwhelming preference to introduce a charge. The available evidence from WRAP strongly indicates that charged for schemes do not adversely impact rates of local fly-tipping which was the single most frequently cited concern by residents in relation to these proposals. For these reasons this option is not recommended.

**6.6 Launch a small traders' scheme now:** Whilst consultation responses show broad support for the principle of this scheme, concerns were raised in relation to residents' access to HWRC sites not being adversely impacted.

**6.6.1** Dialogue with the current site operator has identified a number of considerations which warrant further investigation and, in light of the relatively small number of business respondents to the consultation and

the risk of unintended consequences, additional information is required before such a scheme could be launched. This option is not recommended at this time.

**6.7 Adopt the Government's definition of DIY waste now:** There was strong support for this definition, however, practical concerns were raised in relation to restriction on quantities and the frequency of permitted visits.

6.7.1 Given there is no financial imperative to introduce this change now and the expectation that the ANPR system will provide valuable data to inform the development of policy options and implications, this option is not recommended at this time.

**6.8 Implement alternative savings proposals:** There are limited options available to the Council that are capable of delivering the required level of financial saving. Site closures have been considered and were dismissed as part of the 2024-25 budget setting process.

6.8.1 The consultation exercise sought the views of residents including any alternative suggestions they may wish to put forward. No viable alternatives were suggested. This option is therefore not considered viable in the current financial context.

## **7. Implications**

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

8.1 Cabinet report, Operation and Management of Household Waste Recycling Centres, dated 27 July 2023 (Minute No. 118/23 refers).

## **9. Appendices**

9.1 Appendix 1 - Implications.

9.2 Appendix 2 – Consultation Report.

9.3 Appendix 3 – Updated Equality Impact Assessment on Vehicle Registration.

9.4 Appendix 4 – Equality Impact Assessment on Materials Charges and Hours Reduction.

## **10. Recommendations**

That Cabinet:

- a) Notes the results of public consultation in relation to the Operation and Management of Household Waste Recycling Centres (HWRC).
- b) Notes the analysis of those results summarised in this report and detailed in Appendix 2.
- c) Approves the adoption of revised opening hours for eight HWRCs to 9.30am – 5.00pm, seven days a week.
- d) Approves the implementation of a charge for the deposit of asbestos and car tyres to cover the direct cost of their disposal.
- e) Approves setting the charge for tyres at £4.00 per tyre and the charge for asbestos at £6.00 per sheet (or equivalent volume).
- f) Approves the development of a pilot project at two HWRCs (Bolsover and Ashbourne) to trial a paid for service for the acceptance of small quantities of trade waste from registered small businesses and sole traders in Derbyshire, as set out in this report.
- g) Defers adopting the Government's definition for DIY waste at this time pending the analysis of site usage data from ANPR.

## **11. Reasons for Recommendations**

- 11.1 Recommendations (a) and (b) are made to ensure Derbyshire County Council considers overall value, including economic, environmental and social value, in relation to proposed changes to the operation and management of its HWRCs, and complies with its duty to consult representatives of a wide range of local persons, prior to reaching any decision.
- 11.2 Recommendation (c) is made because there is a requirement for the Service to deliver significant savings. Having taken into account the available options and views of site users, reducing the hours of operation while maintaining a seven day per week service is the most effective means of reducing costs whilst also minimising any adverse impact on service quality and value for money.
- 11.3 Recommendation (d) is made because notwithstanding the majority view in favour of maintaining the status quo, introducing a charge is preferable to not accepting tyres or asbestos at the County's HWRCs. Available research shows that the introduction of a small charge is unlikely to lead to an increase in fly-tipping, and in the absence of any viable alternatives for delivering the required level of savings, this option represents the best overall value for money.

- 11.4 Recommendation (e) is made based on the actual cost of disposal for the relevant materials and is in keeping with the level of charges commonly applied by other Local Authorities for the same services.
- 11.5 Recommendation (f) is made in order to gather more information on the risks and implications of a County-wide small traders' scheme and to effectively manage these risks in order to avoid unintended consequences during and after scheme rollout. A separate report setting out the details of a pilot project including costs, proposed location and proposed duration will be prepared. Following Cabinet approval, the trial scheme will be implemented and kept under continuous review.
- 11.6 Recommendation (g) is made in order to allow decision makers to benefit from the analysis of site usage data from the ANPR system prior to agreeing the details of any new policy with regard to the operation and management of HWRCs.

**12. Is it necessary to waive the call in period?**

12.1 No.

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**Implications****Financial**

- 1.1 There is capital funding available for up to £0.180m to be used to install the ANPR systems. There is sufficient funding in the existing Resources and Waste reserve for £0.020m for non-capital costs of installing the ANPR system, including the back-office costs.
- 1.2 The Resources and Waste budget has an ongoing budget saving proposal of £0.480m in 2023-24, increasing to £0.512m in 2024-25 and £0.549m in 2025-26.
- 1.3 To achieve these approved savings, it is proposed that the following options will be undertaken:

|  | <b>23/24<br/>(£M)</b> | <b>24/25<br/>(£M)</b> | <b>25/26<br/>(£M)</b> | <b>26/27<br/>(£M)</b> | <b>Total</b> |
|--|-----------------------|-----------------------|-----------------------|-----------------------|--------------|
| <b>Existing Saving</b>                         |                       |                       |                       |                       |              |
| Restrict access to cross-border and commercial | -                     | 0.230                 | -                     | -                     | 0.230        |
| Limits on Materials at HWRC's                  | -                     | 0.032                 | 0.037                 | -                     | 0.069        |
| Reduced Opening Hours at HWRC's                | -                     | 0.196                 | 0.065                 | -                     | 0.261        |
| Total  | -                     | 0.458                 | 0.102                 | -                     |              |
| Cumulative Total                               | -                     | 0.458                 | 0.560                 | 0.560                 |              |
| <b>Saving Proposal</b>                         | <b>0.480</b>          | <b>0.512</b>          | <b>0.549</b>          | <b>0.549</b>          |              |
| <b>Total against savings proposal</b>          | <b>(0.480)</b>        | <b>(0.054)</b>        | <b>0.011</b>          | <b>0.011</b>          |              |

- 1.4 These savings are based on undertaking the proposals in this report. Further work is being undertaken to trial a small traders' scheme which may increase the savings achievable. Another report will outline this scheme and associated savings in more detail.

**Legal**

- 2.1 Derbyshire County Council, as a Waste Disposal Authority, has a duty under Section 51 of the Environmental Protection Act 1990 to arrange for the disposal of waste collected by the WCAs and for places to be



provided at which person's resident in its area may deposit their household waste and for the disposal of waste so deposited.

- 2.2 The County Council has discretion on the acceptance of other "non-household" waste types i.e. construction waste (bricks, rubble, soil, tiles, plasterboard, asbestos bathroom fittings and kitchen fittings), for which a charge may be made.
- 2.3 The Department for Communities and Local Government (DCLG) has recently issued a press release indicating that councils should heed guidance issued by the Waste and Resources Action Programme (WRAP), that DIY waste taken to HWRCs should be treated as household waste. This guidance is not statutory guidance, and the Council may choose not to follow it if it considers it has good reason to do so. The relevant part of the WRAP guidance states that:

*"DIY waste is classed as household waste if it results from work a householder would normally carry out. However, interpretations differ on the householder's ability to perform certain home improvement tasks and if a householder employs the services of a trades person to perform domestic tasks consideration must be given to the classification of the resultant waste."*
- 2.4 It is not considered that this statement reflects the correct legal position under the Environmental Protection Act 1990 and the Controlled Waste Regulations 2012. The Controlled Waste Regulations 2012 Schedule 1 sets out waste which is to be treated as household waste, commercial waste or industrial waste. Waste from construction or demolition works (including preparatory works) is classed as industrial waste, notwithstanding the place where it is produced. Construction and demolition waste from a domestic property would therefore be classed as industrial waste.
- 2.5 Neither the Environmental Protection Act 1990 nor the Controlled Waste Regulations 2012 contain any reference to "DIY waste" nor do they refer to any exceptions to the classification.
- 2.6 Those proposals which relate to changes to a universal service delivered under statute, and concern a change to policy or reduction in service (e.g. in relation to charging or opening hours), give rise to a reasonable expectation from residents of Derbyshire that they be consulted.
- 2.7 There is also a requirement that the outcome of consultation be conscientiously considered when the ultimate decision is made.

- 2.8 The proposals in relation to restricting access to HWRCs are not subject to a requirement to consult. However, consultation on this aspect may reveal additional information that would help the Council to mitigate potentially adverse impacts. These are specifically in relation to additional barriers some residents might encounter if a digital only registration process were introduced.

## **Human Resources**

- 3.1 None.

## **Information Technology**

- 4.1 None.

## **Equalities Impact**

- 5.1 Equality Impact Assessments have been conducted and can be found at Appendix 3 and Appendix 4.
- 5.2 No adverse impacts or opportunities for positive impact have been identified in relation to the proposals to reduce the opening hours of HWRCs or introduce nominal charges for the deposit of asbestos and tyres.
- 5.3 This EIA in relation to vehicles registration has identified the potential for adverse impacts affecting groups with the following protected characteristics:
- Age
  - Disability
  - Race & Ethnicity
  - Sex or Gender
  - Rural Communities
- 5.4 The adverse impacts identified relate primarily to digital inclusion and the additional barriers these groups may face if the County were to introduce a digital only process. Additional communication barriers may also impact residents whose first (or only) language is not English, or residents with sensory impairments. Mitigation plans are set out in the Impact Assessment at Appendix 4.

## **Corporate objectives and priorities for change**

6.1 This proposal will help deliver the following Council Plan priorities: Resilient, Healthy and Safe Communities; High Performing, Value for Money, and Resident-Focused Services; A Prosperous and Green Derbyshire.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None.