



Committee and Date

Council

5<sup>th</sup> November 2009

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Item

**11**

Public

**POLICY REVIEW – RESTRICTIONS AT HOUSEHOLD RECYCLING CENTRES**

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**SUMMARY**

A review of operating policies was undertaken by the Shropshire Waste Partnership (SWP) and a report was submitted to the SWP meeting in October 2008 and ratified on February 10<sup>th</sup> 2009. Included in that report was a recommendation to approve changes to the use of Household Recycling Centres (HRCs).

That report was discussed at the Shropshire County Council Environment & Economy Scrutiny Committee meeting on February 24<sup>th</sup> from which there were no further recommendations to the report. The new policy is scheduled for implementation on November 2<sup>nd</sup> 2009.

Publication regarding the introduction of the new scheme has raised concerns from a number of Elected Members and the wider public. The Executive Member has therefore asked for a review to ensure the policy takes on board legitimate concerns of local residents.

The policy agreed in the earlier report has therefore been revisited in this report in order to deal with this.

**RECOMMENDATION**

That the current policy on restrictions at Household Recycling Centres is replaced with the amended policy attached in Appendix 1 to this report, as of November 2<sup>nd</sup> 2009.

## REPORT

1.1 In order to let a fully integrated contract and to provide a common basis for bidding for that contract, it was necessary for all partners in the SWP to agree a set of common operational policies. This included the formulation of a policy for Household Recycling Centres (HRCs) to:

- address the problem of the illegal deposit of trade waste at the HRCs, and
- make the sites safer through excluding large vehicles and trailers manoeuvring around the tipping areas, and
- reduce queuing and reduce the length of time on site for the majority of users.

1.2 In developing a policy to deal with the above issues the Council's waste management contractor Veolia Environmental Services (VES) undertook an assessment of the hazards and risks associated with the movement of vehicles within the public areas of the sites. The findings from this exercise were that:

- the movement of large vehicles and trailers pose a real risk to the safety of the public and staff at the HRCs.
- that large commercial sized trailers were more likely to be used for the transport of trade waste and;
- that the combined length of the trailer and towing vehicle may cause obstructions at the sites.

1.3 HRCs are not licensed to accept commercial & industrial (C&I) or 'trade' waste. Current measures to combat the deposit of this sort of waste include a requirement for users with commercial type vehicles to complete an 'honesty form' before tipping their waste, which was suggested by the site operator VES to have limited impact. National statistics suggest that 20% of waste being deposited at HRCs is trade waste. When this is applied to Shropshire Council, based on an HRC recycling rate of 46% with total waste received at the sites approximately 30,000 tonnes this provides a residual waste to landfill figure of approximately 16,200 tonnes of which 3,200 tonnes (20%) is trade waste.

1.4 Disposal of this waste via the landfill route at £56 per tonne equates to around £181,500 that is funded by Shropshire Council's taxpayers. To address these issues, a system of controls which were tried and tested by other local authorities were proposed, reviewed and agreed by the SWP to effectively deal with this problem. The resultant policy, was approved by the SWP in October 2008, ratified on February 10<sup>th</sup> 2009 and presented to the Environment & Scrutiny Committee on February 24<sup>th</sup>.

## CURRENT RESTRICTIONS AT HOUSEHOLD RECYCLING CENTRES (HRCS)

### 2.1 The current restrictions in place at all HRCs include:

- a) All trailers and commercial type vehicles using the HRCs must have a permit showing the vehicle details and driver name. Only residents of the Shropshire Council area are entitled to apply for permits. 15 permits are issued **per application** for vehicle and trailer owners. 5 permits are issued per application for borrowed and hired vehicles. Permits are only valid for the named driver and vehicle described.
- b) Application is by post, fax, telephone (via the Customer Service Centre), online or by email. Currently approximately 9,000 applications are received per annum, of which about 4,500 are for commercial-type vehicles, 3,500 for trailers and 1,000 for commercial-type vehicles towing trailers).
- c) Customers bringing suspected trade waste to the HRC are required to complete a Trade Waste Disclaimer Form, describing the origin of the waste and confirming that it is not from a business, before being allowed to use the site.
- d) The Entry Permit scheme was introduced in 2002 at the five County Council HRCs, and a virtually identical scheme is operated by Telford and Wrekin Council. Under a reciprocal arrangement Shropshire Council permits are valid at Telford facilities and vice-versa.
- e) The Permit scheme was only introduced on 1 December 2008, at the Coder Rd, Ludlow Skip and Recycling Centre. Permits are not required to use the Amenity skips provided in the North and South Shropshire District Council areas.
- f) Whilst there is no overall policy preventing particularly large vehicles or trailers from using the facilities, site staff may refuse entry on health and safety grounds.
- g) Under the terms of the contract, Veolia is obliged to take reasonable steps to control trade abuse but would seek our approval to the sort of changes of system now being considered.

### 2.2 The revised policy document attached as Appendix 1 to this report is based on the following considerations:

- Promoting health and safety on the sites;
- Making use of the sites more convenient for the great majority of site users;
- Further reducing trade waste abuse and reducing the cost of the service as a result.

2.3 The policy seeks to address these issues by taking action on:

- Changing the type of vans, trailers and load carrying vehicles permitted to use the HRCs;
- Setting a limit on the number of permits issued.

2.4 SWP was strongly committed that any changes should be properly communicated to ensure the minimum of disruption to local residents who legitimately use the HRCs and that fly-tipping should be monitored to see if these restrictions result in an increase of this material. A detailed programme of implementation was developed which included a Communications Plan to determine the most appropriate date to implement the new arrangements, which was set for November 2<sup>nd</sup> 2009. Any change to this policy will need to be effectively communicated as this may delay the implementation date.

### POLICY GAPS

3.1 It is recognised that a proportion of the commercial type vehicles (including trailers) excluded from the site are bona fide householders legitimately disposing of domestic waste from their own property. This poses a dilemma in terms of fairness and equality in provision of services.

3.2 In addition the current policy does not include restrictions on the volume of construction and demolition waste received at the HRCs which in excess is legally classified as industrial waste regardless of its origin (i.e. whether it comes from domestic ‘DIY’ or trade activities). Large volumes of this type of waste are typically associated with commercial activity. In addressing these points the following options for refining the policy have been considered:

### OPTIONS AVAILABLE AND RISK ASSESSMENT

Option	Comments	Financial Implications
1. Do Nothing – retain existing control measures	Not recommended <ul style="list-style-type: none"> <li>• The current restrictions do not provide a robust means to effectively control the reception of construction &amp; demolition waste which is typically trade in nature.</li> <li>• The current conditions do not address the control of access of large vehicles.</li> <li>• The current conditions do not effectively address site safety by allowing oversize vehicles on site at all times</li> </ul>	None. Included in current budget
2. Modification of the proposed policy in Appendix 1 to allow residents with current permits to continue to use the facilities with any vehicle type. This	Not recommended <ul style="list-style-type: none"> <li>• The introduction of grandfather rights would allow continued access onto the site for large vehicles and will not address site safety issues.</li> <li>• This option does not provide a robust means</li> </ul>	Potential increase in waste disposal costs from trade waste.  Potential injury

<p>is termed 'grandfather' rights.</p>	<p>to effectively control the reception of construction &amp; demolition waste which is typically trade in nature</p> <ul style="list-style-type: none"> <li>• This option does not adequately address the control of access of trade operators masquerading as householders</li> </ul>	<p>to site personnel or users.</p>
<p>3. Modification of the policy to:</p> <ul style="list-style-type: none"> <li>• Restrict construction and demolition waste received at the site to 0.5m<sup>3</sup> or six rubble sacks per visit per month</li> <li>• Provide revised access to the HRCs for trailers;             <ul style="list-style-type: none"> <li>▪ issuing permits for mid size trailers which would be limited to a maximum of 12 permits per annum, and</li> <li>▪ issuing frequency and material restricted permits for large trailers (e.g. after 5pm Mon to Fri (3pm in winter) compostable garden waste only, 12 per year).</li> <li>▪ Removal of requirement for permits for small 'hobby' type trailers.</li> </ul> </li> </ul>	<p>This is the recommended option</p> <ul style="list-style-type: none"> <li>• Provides an effective means of controlling trade waste at HRCs, through placing a limit on the reception of construction &amp; demolition waste.</li> <li>• Addresses health &amp; safety risks through limiting access of large vehicles to the quietest times</li> <li>• Addresses equality of service provision through allowing controlled access of large trailers through a permit system.</li> </ul>	<p>Potential annual savings from reduction of trade waste.</p>

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Human Rights Act Appraisal**

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998.

**Environmental Appraisal**

**Risk Management Appraisal**

**Community / Consultations Appraisal**

**Cabinet Member:**

David Roberts (Local Environment & Economy)

**Local Member**

All

**Appendix 1. HRC Restrictions Policy (effective from November 2<sup>nd</sup> 2009)**

## Appendix 1

### HRC Restrictions Policy Document (Effective Nov 2<sup>nd</sup> 2009)

#### Background

- 1 Shropshire Council provides five Household Recycling Centres which are located at:
  - Shrewsbury – Battlefield
  - Oswestry - Mile Oak (opened September 21<sup>st</sup> 2009)
  - Bridgnorth – Barnsley Lane
  - North Shropshire – Whitchurch
  - South Shropshire – Craven Arms (there is also an Amenity Skip and Recycling Centre at Coder Rd Ludlow, with restricted public opening hours).
- 2 Together these facilities accepted about 30,000 tonnes of household waste in 2008/09 financial year (20% of the total household waste arisings). The overall recycling and composting rate for the facilities was 47%, compared to 46% in 2007/08.
- 3 Around 800,000 customer visits are made to the facilities each year.

#### Reasons for Considering the Policy

##### Trade waste abuse

- 4 Trade waste includes both waste originating from any kind of business and also any type of waste (including household waste) which is carried for profit. Trade waste cannot be legally disposed of, or recycled, at Household recycling centres.
- 5 A national study at various household recycling facilities concluded that 8% of customers could be traders and that trade waste inputs could be up to 18% of overall site inputs.
- 6 Trade waste abuse does happen at Shropshire HRCs although the scale of it is not known. An entry permit scheme was introduced in 2002 in order to try to minimise the problem. This scheme had some impact when first introduced but is not now considered to be sufficiently effective in deterring trade waste abuse compared to schemes introduced elsewhere.

### **Health & safety**

- 7 Large vehicles and long trailers can obstruct site traffic and cause hazards when reversing, and trailers in particular are often manoeuvred quite badly. Not only is this dangerous but the vehicles frequently end up taking up 2 or even 3 places. This has been highlighted as a matter of concern by Health & Safety advisers employed by Veolia.
- 8 Tipper vehicles and pick-ups can cause particular problems due to customers standing in the vehicle body to unload waste by throwing it through the portholes.

### **Inconvenience to other users**

- 9 There is considerable inconvenience to the majority of site users when large trailers and vans are not only badly parked but also take much longer to unload.
- 10 Customer feedback shows some dissatisfaction with the bureaucracy of the permit scheme, with the need to periodically reapply for permits. Permits have been sometimes seen as a 'permit to tip' so that traders believe that having one allows trade waste to be disposed of legitimately. Criticism has also been received from customers hiring vehicles, being unaware of the permit system, and consequently being turned away from the HRCs.

### **Cost implications**

- 11 Customers bringing trade waste into the site are avoiding paying disposal and landfill tax costs amounting to about £70 per tonne, and effectively are being subsidised by the public purse. The cost to Shropshire Council is also about £56 per tonne at current rates for active waste (i.e. excluding soil and rubble): for example, if tackling trade waste reduces the total amount of residual waste disposed to landfill via the HRCs by just 5%, the consequent saving would be over £45,000 per annum. If the level of abuse is more like the upper limit of 18% referred to earlier, the potential for savings is that much greater.
- 12 The financial risk of not effectively dealing with this issue will be exacerbated due to the Government's commitment to increase landfill tax for active waste by a significant amount every year.

### **Performance**

- 13 Trade waste abuse contributes to overall waste arising figures.
- 14 Trade waste abuses also has an effect on recycling performance because traders rarely want to spend time separating waste into various containers and the quickest way to unload is to dump everything into the residual waste bay/skip.



- 15 This will have an adverse effect on the Council's performance resulting in unnecessary increase against the National Indicators 191 (residual waste left after reuse, recycling and composting) and 193 (municipal waste landfilled).

### **Consents and Enforcement**

- 16 Neither the planning permissions nor the environmental permits (formerly waste management licences) for the Household Recycling Centres allow the deposit of trade waste, which may expose the Council to the risk of potential enforcement action by the Environment Agency (EA). However, historically, the EA have adopted a pragmatic approach provided the site operator can demonstrate it is making every effort to control trade abuse.

## **New Policy**

### **Height Barriers**

- 17 Height barriers located at the entrance to the sites would be effective at preventing access to the site from large commercial vehicles. However this may result in a problem due to restriction of access from 4x4 vehicles, particularly those with luggage racks. In this regard all height barriers installed at the HRC sites should be no lower than 2.1 m.
- 18 **Height barriers installed at HRC sites will be no lower than 2.1 m.**

### **Trailers**

- 19 Permits will no longer be required for small "hobby" trailers used by many people and they will be allowed to use the sites with no restrictions on the vehicle.
- 20 At the other end of the scale, restrictions will be placed on larger trailers, which cause considerable disruption in traffic flow at the sites and pose potential safety risks to other users of the sites. This is partly due to poor parking and manoeuvring, excessive time taken to unload – and their likelihood for use in trade waste disposal. The outright banning of such trailers however may cause problems to residents transporting large quantities of garden waste to the sites from their property. In this regard an allowance will be made to accommodate such vehicles during restricted opening hours, during weekdays only (except Bank Holidays) to enable disposal of garden waste. This will involve the issue of special permits for large trailers which include restrictions on time of use and a limit of 12 permits per year.
- 22 Permits would be issued for the trailers that occupy the middle ground in size; however these would not include restrictions on the time of use as for the larger trailers or be restricted to deposit of garden waste. They will however include a limit of 12 permits per year as for the larger trailers.

- a) **Trailers no larger than 1 square metre clear loading area be allowed to use the sites without the need for a permit (note: this is roughly equivalent to a 1.2m x 0.9m or approx 4 ft x 3 ft trailer)**
- b) **Trailers larger than 3 square metre clear loading area may be allowed access to the site at the least busy times (after 5pm Mon to Fri (3pm in winter) excluding Bank Holidays) for deposit of compostable garden waste only (note: this is equivalent to 2m x 1.5m or approx 7 ft x 5 ft trailer)**
- c) **Trailers between these sizes can continue to use the sites with a permit.**
- d) **VES in agreement with the Council will have discretion to make marginal adjustments to these sizes to allow a 'fit' with common sizes of trailer.**

### **Vans and other commercial-type vehicles**

- 23 The access of these vehicles to the HRCs result in major problems on site and are more likely than any other vehicle to be used for carrying trade waste.
- 24 In this regard all large commercial-type vehicles will be refused access to the sites. This includes but is not limited to - large flatbed lorries, tipper vehicles, horse boxes, large vans, 'Luton' and agricultural vehicles.
- 25 Vehicles accepted will be no larger than a standard Transit Van, which would enable the most popular sizes of vans to use the sites.
- 26 It is also accepted that people may hire vans for legitimate purposes. In this regard the sites would continue to accept hire vans up to the size limit provided they were accompanied by the hire documents. These would be restricted to short term hire as long term van hire would encourage use of these vehicles for disposal of trade waste.
- 27 Vans that are an acceptable size would only be able to use the sites on production of a valid permit.
  - a) **Vans equivalent to the size of a standard Transit Van will be allowed to use the sites on production of a valid permit.**
  - b) **Vans above this size are not permitted to use the sites at all**
  - c) **Vans up to the size of a standard Transit Van on short term hire are allowed to use the sites without a valid permit on production of the hire documents; short term hire is defined as 7 days or less**
  - d) **All other commercial-type vehicles will not be allowed access to the sites, including but not limited to - tipper vehicles, horse boxes, agricultural and similar large vehicles.**

## Permits

- 28 There is currently no limit on the number of permits issued, which may encourage use of the sites by traders. It is therefore proposed to limit the issue of permits to 12 per year per address.
- 29 In order to implement this new system, old style permits will be phased out commencing November 2<sup>nd</sup> 2009 after which only the new permits will be accepted for entry to the sites. Residents will be informed in advance in writing to alert them to these changes.
- 30 **The number of permits issued will be limited to 12 per year per address.**

## Construction/DIY waste

- 31 This type of material in excess quantities in accordance with the Controlled Waste Regulations 1992 is classified as industrial waste regardless of its origin (domestic, commercial etc). It is also the main source of trade waste abuse and if unrestricted quantities are accepted this may encourage use of the site by traders.
- 32 Local authorities are not obligated to accept this type of waste material however discretion may be exercised by the Council to allow residents to dispose of small quantities of DIY waste. In this regard restrictions on the amount of construction & demolition waste received and the number of return visits will be introduced. This is widely used by local authorities to control trade waste received at HRCs.
- 33 **Acceptance of small DIY waste is limited to 0.5m<sup>3</sup> or 6 rubble sacks per visit per month irrespective of vehicle provided it is suitable for site access.**

## Other Considerations

- 34 In addition to the HRC Restrictions Policy there are several other issues to be addressed which include:

### Communications

- 35 It is vital that any changes made to the use of the HRCs are widely and effectively publicised to ensure the minimum of delay and difficulty when the changes are implemented. In this regard an implementation strategy has been prepared and agreed.
- 36 All vehicle hire companies in the area have been notified of the proposed changes in policies and instructed to publicise them when renting vans out. The refinements to the policy will not conflict with these instructions

### **Fly-tipping**

- 37 The possibility of an increase in fly tipping is always a concern when measures to restrict access to household recycling centres are being considered. However, the introduction of the entry permit scheme in 2002 did not lead to a significant increase in fly tipping, and evidence from other local authorities who have introduced similar measures to combat trade waste suggests that this does not result in a major problem.
- 38 A large proportion of fly tipped waste consists of trade waste. It is therefore not justifiable that the disposal of trade waste should be allowed at Household Recycling Centres, to prevent the illegal act of fly tipping elsewhere.
- 39 Fly tipping is monitored on the national 'Flycapture' database which records type, amount and location type, of each recorded incident. The Council will continue to monitor the amount of fly-tipping both before and after the changes are introduced. This will provide a means of determining the effect of the changes in the policy.

### **External liaison**

- 40 The implications of any change in this Council's entry permit policy, on the use of Recycling Centres in the Telford area by Shropshire residents, and vice versa will be fully considered. In this regard consultation and liaison with Telford and Wrekin Borough Council has been undertaken.
- 41 Shropshire Council also have a good record of liaison with Herefordshire and Worcestershire County Councils on the use of HRCs and their views have been sought.
- 42 Bordering Local Authorities have been informed of the introduction of the proposed new policy in advance, monitoring of cross-border usage at the sites will be in place to minimise the use of Shropshire Council HRCs by non-residents.

### **Alternatives for site users**

- 43 For local residents using vehicles which are no longer acceptable to use the sites, the following alternatives are available:
- a) Hire of a skip or similar type of services for which there are plenty of local companies who could provide this service.
  - b) Residents with large trailers would be allowed to take their own (not trade) compostable garden waste into the sites during the less busy times of the day (after 5pm or 3pm in winter) on a Monday to Friday basis (excluding Bank Holidays).

- c) Collection of certain wastes through the bulky waste collection service. It should be noted that this service is mostly provided by the Shropshire Community Recycling Network including the Shropshire Furniture Reuse Scheme (SHOFUR). Disposal of waste through this route therefore supports these schemes and diverts a significant amount of waste away from landfill into reuse.
  - d) Take-back schemes for electrical appliances are offered by major retailers.
- 40 Trade users have options to pay for disposal of their waste at all the facilities mentioned in paragraph 1 of this Appendix, with the exception of Barnsley Lane, as well as at a number of privately operated sites in the area.