

NAME OF COMMITTEE	Community Services Committee
DATE	11 March 2014
REPORT TITLE	Implementation of the Controlled Waste Regulations 2012
REPORT OF	Waste Development & Contracts Manager
WARDS AFFECTED	All West Devon Wards

Summary of report:

The Controlled Waste (England and Wales) Regulations 2012 (CWR 2012) which came into force on 6th April 2012 have enabled Waste Disposal Authorities to charge certain types of premises which currently benefit from free waste disposal. Devon County Council, as the Waste Disposal Authority, will introduce a waste disposal charge where the CWR 2012 allows from 1 April 2014.

As the Waste Collection Authority, West Devon Borough Council has not, in the past, charged certain premises for collection of waste which have been incorporated into the domestic waste stream. However, in the light of new regulations, to ensure a fair and consistent approach, and in order to ensure that the Council recovers costs for services provided, it is proposed that charges are introduced for collection of such waste which broadly mirror the policy changes of Devon County Council. Details are given within the attached appendices.

Financial implications:

Income may be gained from introducing the charges if those affected choose to continue to receive collections. However, this is difficult to quantify until responses are received from affected premises as to whether they will require collections post April 2014 and because charges will be set on an individual basis. It is likely that some affected premises will choose to employ private contractors. This will reduce the burden on the domestic waste collections and thus improve efficiency in this service as it moves into the commissioning phase pending the end of the current waste contract on 31 March 2017. Additional operating costs and administration of the scheme will kept at a minimum by sharing current systems available within the South Hams commercial waste service.

RECOMMENDATIONS:

That the Community Services Committee approves:

1. The proposed changes to waste procedure as shown in Appendix 1 in order that charges for waste collection can be levied on certain premises in accordance with the Controlled Waste Regulations 2012 and broadly in line with the Waste Disposal Authority's policies;
2. Exemptions for publicly funded education establishment and small businesses as per the Controlled Waste Regulations 2012 are applied;
3. The changes commence soon after 1 April 2014; and,
4. Delegates any changes considered necessary to the terms as highlighted in this report to the Head of Environmental Services in consultation with the Chair and Vice Chair of the Community Services Committee.

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1. BACKGROUND

- 1.1 The Controlled Waste (England and Wales) Regulations 2012 (CWR 2012) came into force on 6 April 2012. They replace the Controlled Waste Regulations 1992 (CWR 1992) which specify which premises are required to pay for disposal and/or collection of their waste – under these rules the costs for waste from some private institutions and businesses was paid for by the taxpayer.
- 1.2 The 2012 Regulations classify waste as household, industrial or commercial, and also list types of waste for which local authorities may make a charge for collection and/or disposal. The new Regulations have re-classified a number of premises and also allow local authorities to charge for the disposal of waste from a wider range of non-domestic premises than the CWR 1992 permitted. The Government has taken steps to minimise the impact of the new Regulations on small businesses and publicly-funded educational establishments and as such certain exemptions from disposal costs have been included in an amendment to the Regulations made on 9 October 2012.
- 1.3 The Council are responsible for waste collection, whilst Devon County Council is responsible for waste disposal.
- 1.4 The Council have previously not charged for collection of these waste, however changes to the Regulations allow greater scope for charging and this provides an opportunity to ensure consistency of application.
- 1.5 The Income Generation Opportunities Report of the 18th February 2014, highlights the need for the Council to ensure that suitable recovery of costs is made for services provided. This is especially important given the economic climate which we are operating within.

2. PROPOSAL

- 2.1 The new Regulations now enable charges for disposal of waste to be levied on certain premises classed as household waste. The types of premises this applies to include the following:
- Waste from a charity shop or community interest company which collects or sells donated goods from a non-domestic origin
 - Waste from a residential or care home
 - Waste from premises forming part of a university, school or other educational establishment
 - Waste from a hospital or nursing home
 - Waste from a prison
- 2.2 The Regulations have re-classified the following premises as commercial waste and both collection and disposal charges are now applicable (with some exemptions):
- Premises occupied by a club society or association
 - Premises occupied by a charity used for charitable purposes (although the disposal charge can only be made for material that originated for non-domestic property)
 - Self-catering holiday accommodation
 - Camping and caravan sites
 - Waste from any part of a composite hereditament used for the purpose of a trade or business
 - Royal palaces
- 2.3 It is proposed that generally a collection charge is levied where it is legal to do so. The charges will be set to incentivise recycling over refuse collection. As West Devon has distinctive rural collection challenges, prices will be calculated on an individual basis and benchmarked against South Hams commercial collection charges.
- 2.4 Certain exemptions apply including allowing those publically funded schools which currently benefit from free disposal to continue to do so. Other exemptions apply and more details of these in relation to each proposed type of premises is given in the appendices along with the scale of any impact.
- 2.5 If agreed, this will enable the Council as the Waste Collection Authority to meet the requirements of the new Regulations, thereby delivering potential savings to the waste management budget. It will also provide clear guidance for communication to existing and potential users of the services, and ensure consistency of application. It may also cause those premises potentially affected to rethink how they manage their waste and look at more sustainable ways to either reduce or recycle it.
- 2.6 West Devon does not currently operate a commercial waste collection service and there are no immediate plans to introduce a comprehensive commercial waste collection service due to the sparsity, and therefore relatively high

operating costs, in the Borough. However, there is potential to continue to collect some waste, for which a charge may be made, on the domestic rounds. Where this is not possible, enquirers will be signposted to commercial providers operating in the area.

- 2.7 It should be noted that not all premises to which these changes apply, currently utilise West Devon’s domestic waste services. These premises will continue with their current arrangements.

3. TIMESCALE

- 3.1 It is proposed that the change in policies, if agreed, be implemented soon after 1 April 2014, in line with Devon County Council’s policy.

4. LEGAL IMPLICATIONS

- 4.1 The Controlled Waste Regulations 2012 give new legal powers to Waste Disposal Authorities to enable them to charge disposal costs for waste which has either been reclassified as commercial or is now able to be charged under the Regulations. The regulations allow wider scope for Waste Collection Authorities to charge for certain waste collections.

- 4.2 The new regulations stipulate exemptions to be applied and the proposed changes to West Devon Borough Council guidance note these exemptions.

5. FINANCIAL IMPLICATIONS

- 5.1 Income may be gained from introducing the charges if those affected choose to continue to receive collections. However, this is difficult to quantify until responses are received from affected premises as to whether they will require collections post April 2014 and because charges will be set on an individual basis. It is likely that some affected premises will choose to employ private contractors. This will reduce the burden on the domestic waste collections and thus improve efficiency in this service as it moves into the commissioning phase pending the end of the current waste contract on 31 March 2017. Additional operating costs and administration of the scheme will kept at a minimum by sharing current systems available within the South Hams commercial waste service.

6. RISK MANAGEMENT

- 6.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

7. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life; Environment; Economy
Statutory powers:	The Controlled Waste Regulations 2012
Considerations of equality and human rights:	Not applicable
Biodiversity considerations:	Not applicable
Sustainability considerations:	Not applicable

Crime and disorder implications:	Not applicable
Background papers:	None
Appendices	Appendix 1 - Proposals to introduce charging for waste collections from some types of premises

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership	
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Effect on local premises/businesses	Not all types of premises affected by this report currently receive free waste collection/disposal and already manage their waste through commercial waste companies. Implementation therefore creates a more level playing field.	1	2	2	↓	Clear policy guideline adhere to CWR 2012 and mirror Waste Disposal Authority policy. Exemptions applied wherever appropriate.	Waste Development & Contract Manager
2	Effect on recycling rate	The recycling rate may be affected if premises chose not to continue with Council collections, however this is expected to be minimal.	2	1	2	↓	Affected premises will be encouraged to minimise waste arisings overall.	Waste Development & Contract Manager

Direction of travel symbols ↑ ↔